

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STUART FORCE, Individually, and as Administrator on behalf of the Estate of TAYLOR FORCE; ROBBIE FORCE; and KRISTIN ANN FORCE;

Docket no.  
16-CV-5158 (NGG) (LB)

ABRAHAM RON FRAENKEL and RACHEL DEVORA SPRECHER FRAENKEL, Individually, as Joint Administrators on behalf of the Estate of YAAKOV NAFTALI FRAENKEL, and as the natural and legal guardians on behalf of minor plaintiffs A.H.H.F., A.L.F., N.E.F., N.S.F., and S.R.F.; TZVI AMITAY FRAENKEL

**PROPOSED**  
**SECOND AMENDED**  
**COMPLAINT**

**Jury Trial Demanded**

SHMUEL ELIMELECH BRAUN and CHANA BRAUN, Individually, and as Joint Administrators on behalf of the Estate of CHAYA ZISSEL BRAUN; SHIMSON SAM HALPERIN; SARA HALPERIN; MURRAY BRAUN; ESTHER BRAUN

MICAH LAKIN AVNI and MAYA LAKIN, Individually, and as Joint Administrators on behalf of the Estate of RICHARD LAKIN;

MENACHEM MENDEL RIVKIN and BRACHA RIVKIN, Individually and as the natural and legal guardians on behalf of minor plaintiffs S.S.R., M.M.R., R.M.R., and S.Z.R.;

Plaintiffs,

-against-

FACEBOOK, INC.,

Defendant.

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Plaintiffs, complaining of the defendant, by their attorneys, THE BERKMAN LAW OFFICE, LLC and NITSANA DARSHAN-LEITNER & CO. (Israeli counsel), allege for their second amended complaint as follows:

## **INTRODUCTION**

1. This is an action for damages against Facebook pursuant to the Antiterrorism Act, (“ATA”), including 18 U.S.C. § 2333, as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), and related claims, for having knowingly aided, abetted, conspired, and provided material support and resources to HAMAS, a notorious terrorist organization that has engaged in and continues to commit terrorist attacks, including the terrorist attacks that killed 29-year-old Taylor Force, 16-year-old Yaakov Naftali Fraenkel, three-month-old Chaya Zissel Braun, and 76-year-old Richard Lakin, and that injured Menachem Mendel Rivkin and the families of these terror victims.

2. The ATA’s civil remedies were intended, and have served, as an important means for enforcing the federal criminal antiterrorism statutes since the early 1990s.

3. Congress enacted the ATA in October 1992 as a legal complement to criminal penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil provisions would not only provide a mechanism for compensating victims of terror, but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

4. Following the 1993 terrorist bombing of the World Trade Center in New York, Congress again targeted terrorist resources by enacting 18 U.S.C. § 2339A in September 1994, making it a crime to provide material support or resources knowing or intending that they will be used in preparing or carrying out terrorist acts.

5. In April 1996, Congress further expanded the effort to cut off resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization.

6. In the wake of the September 11, 2001 terror attacks in the United States that killed nearly 3,000 Americans, Congress amended the “material support” statutes, 18 U.S.C. §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to expand the definition of “material support or resources” prohibited thereby.

7. In September 2016, Congress amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

8. HAMAS is among the most widely-known Palestinian terrorist organizations in the world. In the 1990’s and early 2000’s, HAMAS gained notoriety for carrying out numerous terrorist bus bombings and dispatching suicide bombers across Israel, and more recently for firing thousands of missiles at Israel’s civilian population centers. The United States Government designated HAMAS as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189, as amended, on October 8, 1997.

9. HAMAS has embraced Facebook as a powerful weapon for terrorism. Facebook provides tremendous utility and value to HAMAS as a tool to facilitate this terrorist group’s ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies. For years, HAMAS, its leaders, spokesmen, and members have openly maintained and used official Facebook accounts with little or no interference. Despite receiving numerous complaints and widespread media and other attention for providing its online social media platform and communications services to HAMAS, Facebook has continued to provide these resources and services to HAMAS and its affiliates.

10. Facebook has knowingly provided material support and resources to HAMAS in the form of Facebook's online social network platform and communication services. HAMAS has used and relied on Facebook's online social network platform and communications services as among its most important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which HAMAS murdered and injured the victims and their families in this case.

11. Facebook has also knowingly provided material support and resources to HAMAS in the form of personnel, including by making Hamas leaders and operatives available to conspire, direct, and carry out HAMAS's terrorist activity, including the terrorist attacks in which HAMAS murdered and injured the victims and their families in this case.

12. By providing its online social network platform and communications services to HAMAS, and by conspiring and providing personnel to HAMAS, Facebook: violated the federal prohibitions on providing material support or resources for acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources for designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly, Facebook is liable pursuant to 18 U.S.C. § 2333 to the Plaintiffs, who were injured by reason of acts of international terrorism.

## **THE PARTIES**

### **A. The Plaintiffs**

13. Plaintiff Stuart Force at all times relevant hereto is and was a citizen of the United States domiciled in South Carolina and the father, heir and personal representative of the estate of Taylor Force, who was also a citizen of the United States at the time of his death. Plaintiff Stuart Force brings this action individually and on behalf of the estate of Taylor Force.

14. Plaintiff Robbi Force at all times relevant hereto is and was a citizen of the United States domiciled in South Carolina and the mother of decedent Taylor Force.

15. Plaintiff Kristin Ann Force at all times relevant hereto is and was a citizen of the United States and the sister of decedent Taylor Force.

16. Plaintiffs Abraham Ron Fraenkel and Rachel Devora Sprecher Fraenkel at all times relevant hereto are and were the parents, heirs and personal representatives of the estate of their son, Yaakov Naftali Fraenkel, who was a citizen of the United States at the time of his kidnapping and death; and they are also the parents of minor plaintiffs A.H.H.F., A.L.F., N.E.F., N.S.F., and S.R.F. Plaintiff Rachel Devora Sprecher Fraenkel is a citizen of the United States domiciled in Israel. Plaintiffs Abraham Ron Fraenkel and Rachel Devora Sprecher Fraenkel each bring this action individually, as joint administrators on behalf of the estate of Yaakov Naftali Fraenkel, and as the natural and legal guardians on behalf of their minor children, A.H.H.F., A.L.F., N.E.F., N.S.F., and S.R.F.

17. Plaintiff Tzvi Amitay Fraenkel at all times relevant hereto is and was a United States citizen domiciled in Israel, and the brother of decedent Yaakov Naftali Fraenkel.

18. Plaintiff A.H.H.F., a minor, at all times relevant hereto is and was a United States citizen domiciled in Israel, and the sister of decedent Yaakov Naftali Fraenkel.

19. Plaintiff A.L.F., a minor, at all times relevant hereto is and was a United States citizen domiciled in Israel, and the sister of decedent Yaakov Naftali Fraenkel.

20. Plaintiff N.E.F., a minor, at all times relevant hereto is and was a United States citizen domiciled in Israel, and the sister of decedent Yaakov Naftali Fraenkel.

21. Plaintiff N.S.F., a minor, at all times relevant hereto is and was a United States citizen domiciled in Israel, and the sister of decedent Yaakov Naftali Fraenkel.

22. Plaintiff S.R.F., a minor, at all times relevant hereto is and was a United States citizen domiciled in Israel, and the brother of decedent Yaakov Naftali Fraenkel.

23. Plaintiffs Shmuel Elimelech Braun and Chana Braun at all times relevant hereto are and were the parents, heirs and personal representatives of the estate of their daughter, Chaya Zissel Braun, who was also a citizen of the United States at the time of her injury and death. Plaintiffs Shmuel Elimelech Braun and Chana Braun are citizens of the United States domiciled in Israel. They each bring claims individually, and as joint administrators on behalf of the estate of Chaya Zissel Braun.

24. Plaintiffs Shimson Sam Halperin, Sara Halperin, Murray Braun, and Esther Braun at all times relevant hereto are and were citizens of the United States domiciled in Israel, and the grandparents of decedent Chaya Zissel Braun.

25. Plaintiffs Micah Lakin Avni and Maya Lakin are citizens of the United States domiciled in Israel. They each bring claims individually and as joint administrators on behalf of the estate of their father, Richard Lakin, who was also a citizen of the United States at the time of his injury and subsequent death.

26. Plaintiffs Menachem Mendel Rivkin and Bracha Rivkin at all times relevant hereto are and were citizens of the United States domiciled in Israel. They each bring claims individually, and jointly as the natural and legal guardians on behalf of their minor children, S.S.R., M.M.R., R.M.R., and S.Z.R., who are also citizens of the United States.

**B. The Defendant**

27. The Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S. corporation incorporated in Delaware, with its principal place of business in Menlo Park, California, and with a substantial office employing more than 1,000 people in the State of New York.

### **JURISDICTION AND VENUE**

28. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

29. This Court also has subject matter jurisdiction over this action based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(2), as there is diversity of citizenship between each of the plaintiffs and the defendant, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

30. This Court has personal jurisdiction over Facebook as Facebook is at home in the United States because it is a Delaware corporation with its principal place of business in California, and Facebook may be found in this District and has an agent in this District. Facebook maintains a systematic presence in this District, including more than 285,000 square feet of office space and more than 1,000 employees, and it is registered to do business in the State of New York. Moreover, by registering to do business in New York, Facebook consented to personal jurisdiction in New York.

31. In addition, Facebook has established an “engineering hub” at its New York office, which has been responsible, among other things, for developing and updating applications for using Facebook on smart phones (one of the major methods of accessing Facebook by HAMAS) and sending updates for the Facebook platform to users worldwide.

32. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a) and 28 U.S.C. § 1391(d).

## **FACTUAL ALLEGATIONS**

### **I. BACKGROUND: U.S. ANTITERRORISM ENFORCEMENT LEGISLATION**

#### **A. Criminal Punishment of International Terrorism**

33. In the 1980's, foreign terrorist groups carried out a number of major terror attacks around the world, killing and injuring many Americans abroad.

34. Among these terror attacks were:

- a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63 people, including 17 Americans;
- b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon, killing 241 U.S. Marines, 58 French peacekeepers, and 6 civilians, and injuring more than 100;
- c. The December 1983 terrorist bombings of the U.S. Embassy and the residential quarters of American company Raytheon in Kuwait;
- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon, killing 14 people, including 2 Americans, and injuring dozens;
- e. The June 1985 hijacking of TWA flight 847, in which an American Navy diver was killed;
- f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and
- g. The December 1985 terrorist attacks using assault rifles and hand grenades at the Rome and Vienna airports, killing 19, including 4 Americans, and injuring about 140 others.



35. In response to these and other attacks, Congress enacted the “Omnibus Diplomatic Security and Antiterrorism Act of 1986” (“Antiterrorism Act of 1986”).<sup>1</sup>

36. Title XII of the Antiterrorism Act of 1986, titled “Criminal Punishment of International Terrorism,” amended Title 18 of the U.S. Code (“Crimes and Criminal Procedure”), Part I (“Crimes”), to add a new chapter, then-designated as Chapter 113A and titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”<sup>2</sup>

37. This new chapter provided criminal penalties for killing, conspiring, or attempting to kill a national of the United States outside the United States, or engaging in physical violence outside the United States with the intent to cause serious bodily injury to a national of the United States or that results in serious bodily injury to a national of the United States.<sup>3</sup>

**B. Private Enforcement: The Antiterrorism Act of 1992 (“ATA”)**

38. As acts of terror unfortunately continued, the United States continued to seek new methods of combating international terrorism.

39. In October 1992, Congress enacted the Antiterrorism Act of 1992 (“ATA”),<sup>4</sup> which amended this chapter in the Criminal Code dealing with terrorism to include a private right of action for U.S. nationals injured by acts of international terrorism as a legal complement to the criminal penalties against terrorists that kill or injure Americans abroad.

40. In enacting the ATA, Congress sought not only to provide victims of terror with a remedy to seek compensation, but also specifically intended that the private cause of action would

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<sup>1</sup> Pub. L. 99-399 (Aug. 27, 1986), 100 Stat. 853-901.

<sup>2</sup> Pub. L. 99-399, title XII, § 1202(a), 100 Stat. 896. Chapter 113A was subsequently re-designated as Chapter 113B and renamed “Terrorism.”

<sup>3</sup> *Id.* This section, originally enacted as 18 U.S.C. § 2331, is now found (as amended) at 18 U.S.C. § 2332 (titled “Criminal penalties”).

<sup>4</sup> The ATA was enacted as part of the “Federal Courts Administration Act of 1992.” *See* Pub. L. 102-572, title X, § 1003 (October 29, 1992); 106 Stat. 4521.

serve as an important tool for enforcing the federal criminal antiterrorism statutes by creating a method of depriving terrorists of financial resources to carry out attacks.

41. Indeed, as the ATA was being considered in Congress, the U.S. State Department's Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee's Subcommittee on Courts and Administrative Practice that the proposed bill "will add to the arsenal of legal tools that can be used against those who commit acts of terrorism against United States citizens abroad."<sup>5</sup>

42. The Deputy Legal Advisor also testified:

"[T]his bill will provide general jurisdiction to our federal courts and a cause of action for cases in which an American has been injured by an act of terrorism overseas.

We view this bill as a welcome addition to the growing web of law we are weaving against terrorists. . . . The existence of such a cause of action . . . may deter terrorist groups from maintaining assets in the United States, from benefiting from investments in the U.S. and from soliciting funds within the U.S. In addition, other countries may follow our lead and implement complimentary national measures, thereby increasing obstacles to terrorist operations.

Moreover, the bill may be useful in situations in which the rules of evidence or standards of proof preclude the U.S. government from effectively prosecuting a criminal case in U.S. Courts. Because a different evidentiary standard is involved in a civil suit, the bill may provide another vehicle for ensuring that terrorists do not escape justice."<sup>6</sup>

43. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of ATA's private cause of action as follows:

"The United States must take a strong stand against terrorism. The Department of State testified that this bill would add to the arsenal of legal tools that can be used against those who commit acts of terrorism against U.S. citizens abroad.

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<sup>5</sup> "Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new civil cause of action in federal court for terrorist acts abroad against United States nationals," *Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee* (July 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

<sup>6</sup> *Id.*

...

Now is the time for action. Now is the time to strengthen our ability to both deter and punish acts of terrorism.

We must make it clear that terrorists' assets are not welcome in our country. And if they are found, terrorists will be held accountable where it hurts them most: at their lifeline, their funds."<sup>7</sup>

44. In July 1992, a Senate Committee Report further explained that the ATA's provision of treble damages "would interrupt, or at least imperil, the flow of money" to terrorist organizations.<sup>8</sup>

### **C. The "Material Support" Criminal Statutes**

45. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under the North Tower of the World Trade Center in New York City, attempting to cause the collapse of both towers and the death of thousands of Americans.

46. Although the damage from the World Trade Center bombing was limited, it nevertheless killed 6 people and injured more than 1,000 others.

47. In response to the 1993 World Trade Center bombing, Congress enacted new legislation again aimed at depriving terrorists of the resources needed to carry out attacks.

48. Thus, in September 1994 Congress amended the chapter of the Criminal Code dealing with terrorism (now Chapter 113B of Title 18, Part I of the U.S. Code) to include 18 U.S.C. § 2339A, a new criminal "material support" statute making it a crime to provide or conceal material support or resources to terrorists, knowing or intending that they would be used for terrorist acts.

49. In April 1996, Congress expanded the prohibition of providing material support or resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide

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<sup>7</sup> 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

<sup>8</sup> S. Rep. No. 102-342 at 22 (1992).

material support or resources to a designated foreign terrorist organization (“FTO”), without regard to how such support or resources will be used.

50. Subsequent amendments to Chapter 113B of the Criminal Code added 18 U.S.C. § 2339C, prohibiting the financing of terrorism, increased the criminal penalties for violating the “material support” statutes, 18 U.S.C. §§ 2339A and 2339B, and expanded and clarified the definition of “material support or resources” prohibited by these statutes.

#### **D. The Justice Against Sponsors of Terrorism Act (“JASTA”)**

51. In September 2016, Congress enacted JASTA,<sup>9</sup> which amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

52. In enacting JASTA, Congress made a number of specific findings, including the following:

“Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.”<sup>10</sup>

53. Congress also specifically included the following statement of purpose of JASTA in the legislation:

“Purpose.--The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign

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<sup>9</sup> Pub. L. 114-222 (Sept. 28, 2016); 130 Stat. 852, <http://uscode.house.gov/statviewer.htm?volume=130&page=852#>.

<sup>10</sup> JASTA § 2(a)(6) (emphasis added).

organizations or persons that engage in terrorist activities against the United States.”<sup>11</sup>

## **II. HAMAS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION**

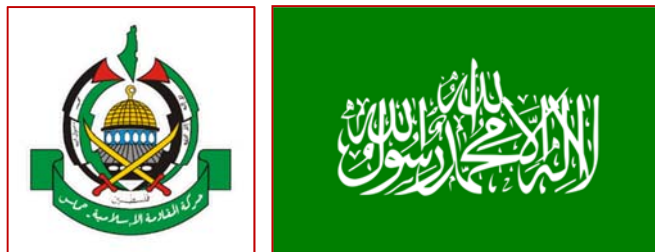
### **A. Background of HAMAS**

54. HAMAS is an offshoot of the radical militant Islamist organization known as the Muslim Brotherhood, which was founded in Egypt in 1928.

55. The Muslim Brotherhood’s mottos include: “Islam is the answer”; and “*Allah* is our objective, the *Qur’an* is the Constitution, the Prophet [Mohammed] is our leader, *jihad* [holy war] is our way, death for the sake of *Allah* is our wish.”

56. When Palestinians launched the “First *Intifada*” (or “uprising”) against Israel in December 1987, the leader of the Muslim Brotherhood in Gaza, Sheik Ahmad Yassin formed *Harakat al-Muqawama al-Islamiyya* (the “Islamic Resistance Movement”) to join in the violence against Israel and to establish an alternative Islamist movement to challenge the largely secular Palestinian Liberation Organization’s (“PLO”) claim as the exclusive leadership of the Palestinians. The Islamic Resistance Movement is known by its Arabic acronym: “HAMAS.”

57. The following are the emblem and flag of the terrorist organization HAMAS:




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<sup>11</sup> JASTA § 2(b) (emphasis added).

58. From its inception, HAMAS has publicly proclaimed that it is committed to the destruction of the State of Israel, the establishment of an Islamic state in all of historic Palestine, and the elimination of Jews from the land.

59. For example, the preamble to HAMAS's Charter states: "Israel exists and will continue to exist until Islam will obliterate it, just as [Islam] obliterated others before it."

60. Likewise, Article 6 of the HAMAS Charter states: "The Islamic Resistance Movement is a distinguished Palestinian movement, whose allegiance is to *Allah*, and whose way of life is Islam. It strives to raise the banner of *Allah* over every inch of Palestine."

61. Article 13 of the HAMAS Charter states: "Palestine is an Islamic land . . . Since this is the case, the Liberation of Palestine is an individual duty for every Muslim wherever he may be."

62. Article 15 of the HAMAS Charter states: "The day the enemies usurp part of Muslim land, *Jihad* becomes the individual duty of every Muslim. In the face of the Jews' usurpation, it is compulsory that the banner of *Jihad* be raised."

63. HAMAS is ideologically opposed to efforts to reach a peaceful solution or compromise with Israel.

64. For example, Article 13 of the HAMAS Charter states: "[Peace] initiatives, and so-called peaceful solutions and international conferences are in contradiction to the principles of the Islamic Resistance Movement . . . Those conferences are no more than a means to appoint the infidels as arbitrators in the lands of Islam . . . There is no solution for the Palestinian problem except by *Jihad*. Initiatives, proposals and international conferences are but a waste of time, an exercise in futility."

65. HAMAS is also steeped in religious anti-Semitism (hatred of Jews).

66. For example, Article 7 of the HAMAS Charter states: “The Day of Judgment will not come about until Muslims fight Jews and kill them. Then, the Jews will hide behind rocks and trees, and the rocks and trees will cry out: ‘O Muslim, there is a Jew hiding behind me, come and kill him.’”

67. Likewise, Article 22 of the HAMAS Charter blames the Jews for the French Revolution, the Communist Revolution, World War I and World War II, and claims: “There is no war going on anywhere without [the Jews] having their finger in it.”

68. Article 32 of the HAMAS Charter continues this anti-Semitic theme as follows:

“Zionism scheming has no end, and after Palestine, they will covet expansion from the Nile to the Euphrates River. When they have finished digesting the area on which they have laid their hand, they will look forward to more expansion. Their scheme has been laid out in the ‘Protocols of the Elders of Zion.’

...

The HAMAS regards itself as the spearhead and the vanguard of the circle of struggle against World Zionism . . . Islamic groups all over the Arab world should also do the same, since they are best equipped for their future role in the fight against the warmongering Jews.”

69. HAMAS seeks to achieve its goals by carrying out violent terrorist attacks against Jewish civilians in Israel, the West Bank, and Gaza.

70. HAMAS’s use of violence against civilians in Israel is premeditated and politically motivated.

71. HAMAS employs violence in an effort to intimidate and coerce the civilian population of Israel, to influence the policy of the Israeli Government through intimidation and coercion, and to affect the policy of the Government of Israel and other governments through kidnapping, assassination, and mass destruction.

72. HAMAS proudly and openly acknowledges that it uses terrorism and violence to achieve its political goals, claiming that its activities are a legitimate form of “resistance.”

73. The *Izz al-Din al-Qassam* Brigades (the “*al-Qassam* Brigades”) is a constituent paramilitary organization within HAMAS known for carrying out many of HAMAS’s terrorist attacks, including shootings, suicide bombings, IED bombings, missile attacks, underground tunnel attacks, and more.

74. The following is the emblem of HAMAS’s *al-Qassam* Brigades:



75. HAMAS and its *al-Qassam* Brigades also have other paramilitary units and brigades, often named after prominent HAMAS leaders considered “martyrs” by HAMAS.

76. HAMAS also has other constituent organizations and associations that are controlled by HAMAS, operate as part of HAMAS, and carry out its activities, such as the Islamic Bloc, HAMAS’s student wing.

77. The following is the emblem of HAMAS’s Islamic Bloc:



78. In May 1994, pursuant to the Oslo Accords, Israel transferred limited authority over most of Gaza to the new Palestinian Authority established by the Oslo Accords.

79. In August and September 2005, Israel withdrew all Israeli civilian and military presence from the remaining areas of Gaza, leaving internal control of Gaza to the Palestinian Authority.



80. In June 2007, HAMAS forcibly seized control of Gaza from the Palestinian Authority, and HAMAS has maintained *de facto* control over Gaza since that time.

81. Between the time of its founding in December 1987 until the date of the terrorist attacks at issue in this case, HAMAS carried out thousands of terrorist attacks in Israel, the West Bank, and Gaza, murdering hundreds of Israeli and U.S. citizens, as well as the nationals of many other countries, and wounding thousands more.

82. HAMAS's policy and practice of carrying out terrorist attacks was and is notorious and well known to the public at large and to Facebook.

83. HAMAS particularly gained notoriety around the world for its use of suicide bombings as a terrorist method.

84. In its effort to derail the 1993 Oslo Accords that established the Palestinian Authority ("PA") in the mid-1990's, and again during the Second *Intifada* in the mid-2000's, HAMAS carried out scores of suicide bombings against Israel, killing more than a thousand civilians of many nationalities and injuring many thousands.

85. HAMAS planned and executed these suicide bombing operations in a manner designed to murder and maim as many Jews and Israeli civilians as possible, packing suicide vests with nails and shrapnel and carrying out these bombings on packed buses, at crowded bus stops, restaurants, malls, hotels, and hospitals.

86. By carrying out such horrific attacks and mass destruction, HAMAS sought to spread fear and terror in Israel, to intimidate and coerce the civilian population and the government of Israel, and to influence the policies and affect the conduct of the Israeli government.

87. Beginning April 16, 2001, HAMAS gained additional notoriety as a terrorist organization by developing and launching missiles into Israel, indiscriminately targeting Israeli civilian population centers.

88. Between April 2001 and April 2012, HAMAS fired more than 12,700 missiles and mortars into Israeli cities, an average of three attacks every single day for 11 years.

89. HAMAS's terrorist activity has continued even after the Israeli disengagement from Gaza in 2005.

90. In the six-year period from 2006 through 2011, HAMAS missiles and mortars killed at least 44 Israelis and injured over 1,600 others.

91. During 2012, HAMAS fired more than 2,300 missiles and mortars into Israel. Although many missiles were intercepted by Israel's Iron Dome missile defense and many others did not reach Israeli territory, nevertheless, more than 1,600 HAMAS missiles (excluding mortars) hit Israeli territory during 2012.

92. During Operation Protective Edge, which ran from July 8, 2014 to August 25, 2014, more than 3,800 HAMAS missiles (excluding mortars) hit Israeli territory.

93. By launching missiles at Israel's civilian population centers and attempting to cause mass destruction, HAMAS sought to spread fear and terror in Israel, to intimidate and coerce the civilian population and the government of Israel, and to influence the policies and affect the conduct of the Israeli government.

94. Since the Israeli disengagement from Gaza in 2005, HAMAS has also adopted a strategy of building tunnels under the borders between Gaza and Israel and Gaza and Egypt. These tunnels have been used by HAMAS to smuggle money, weapons, and other materials into Gaza for use in terrorist attacks, as well as to travel into Israel to carry out terrorist operations.

95. For example, on the night of June 25, 2006, HAMAS terrorists tunneled from Gaza into an Israeli army base and attacked Israeli soldiers on the base, killing two Israeli soldiers and injured three other Israeli soldiers, including Israeli soldier Gilad Shalit. The terrorists kidnapped Shalit, and held him in captivity in Gaza for more than five years. HAMAS ultimately released Shalit to Israel in 2011 in exchange for the release of more than 1,000 security prisoners held by Israel, many of whom were HAMAS terrorists.

96. Since the release of Shalit, HAMAS has planned and attempted many times to abduct Israelis in order to attempt to negotiate the release of more imprisoned HAMAS terrorists, and HAMAS has continued to carry out numerous terrorist attacks against Jews and Israelis.

97. By attempting to kidnap Israelis and carrying out terrorist attacks, including the attacks that caused the deaths and injuries in this case, HAMAS has sought to spread fear and terror in Israel, to intimidate and coerce the civilian population and the government of Israel, and to influence the policies and affect the conduct of the Israeli government.

**B. Terrorist Designation of HAMAS and its Affiliates**

98. The Government of Israel officially declared HAMAS a terrorist organization and designated it an “unlawful organization” in September 1989, following the kidnapping and murder of two Israelis earlier that year. Notice of the designation was placed in the official Government of Israel publication, the Announcements and Advertisements Gazette.

99. Prompted by the horrific wave of Palestinian terrorism following the 1993 Oslo Accords, including numerous suicide bombings carried out by HAMAS, on January 23, 1995, U.S. President Bill Clinton issued Executive Order No. 12947 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”), in which he declared a national emergency to deal with the threat to the United States posed by the “grave acts of violence

committed by foreign terrorists that disrupt the Middle East peace process.” 60 Fed. Reg. 5079 (1995).

100. Executive Order No. 12947 blocked all property and interests in property of specially designated terrorists (“SDT”), including specifically HAMAS. Among other things, Executive Order No. 12947 prohibited “any transaction or dealing by United States persons . . . in property or interests in property of [HAMAS] . . . including the making or receiving of any contribution of funds, goods, or services to or for the benefit of [HAMAS].” This prohibition remains in effect to this day.

101. Under the IEEPA, violation of Executive Order No. 12947 is a federal criminal offense.

102. On October 8, 1997, the U.S. Secretary of State officially designated HAMAS (including HAMAS’s *al-Qassam* Brigades) as a “Foreign Terrorist Organization” (“FTO”) pursuant to Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189, as amended by the AEDPA. 62 Fed. Reg. 52650 (1997). This designation remains in effect to this day.

103. Under 18 U.S.C. § 2339B, providing material support or resources to a designated FTO is a criminal offense.

104. After the September 11, 2001 terrorist attacks on the United States (known as “9/11”), U.S. President George W. Bush issued Executive Order No. 13224 pursuant to the IEEPA, declaring a national emergency with respect to the “grave acts of terrorism . . . and the continuing and immediate threat of further attacks on United States nationals or the United States.”

105. Executive Order No. 13224 blocked all property and interests in property of “Specially Designated Global Terrorists” (“SDGT”), prohibited the provision of funds, goods or services for the benefit of SDGT’s, and authorized the U.S. Treasury to block the assets of

individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGT's, as well as their subsidiaries, front organizations, agents, and associates.

106. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal offense.

107. The U.S. Secretary of State officially designated HAMAS (including its *al-Qassam* Brigades) as an SDGT pursuant to Executive Order No. 13224 on October 31, 2001. 67 Fed. Reg. 12633-12635 (2002). This designation remains in effect to this day.

108. On December 4, 2001, the U.S. Department of the Treasury officially designated the following organizations as SDGT's pursuant to Executive Order No. 13224 for their provision of funding and support to HAMAS: The Holy Land Foundation for Relief and Development; Beit el-Mal Holdings; and Al-Aqsa Islamic Bank. These designations remain in effect to this day.

109. On May 29, 2003, the U.S. Department of the Treasury officially designated the Al-Aqsa Foundation as an SDGT pursuant to Executive Order No. 13224 for its provision of funding and support to HAMAS. This designation remains in effect to this day.

110. On August 21, 2003, the U.S. Department of the Treasury officially designated the following HAMAS leaders as SDGT's pursuant to Executive Order No. 13224: Sheik Ahmed Yassin (deceased 2004); Imad Khalil Al-Alami; Usama Hamdan; Khalid Mishaal; Musa Abu Marzouk; and Abdel Aziz Rantisi (deceased 2004).

111. Also on August 21, 2003, the Department of the Treasury officially designated the following organizations as SDGT's for their provision of funding and support to HAMAS: Commite de Bienfaisance et de Secours aux Palestiniens (CBSP); The Association de Secours Palestinien (ASP); The Palestinian Relief and Development Fund, or Interpal; The Palestinian

Association in Austria, PVOE; and The Sanabil Association for Relief and Development. These designations remain in effect to this day.

112. On August 7, 2007, the U.S. Department of the Treasury officially designated the Al-Salah Society and its Director, Ahmad Harb Al-Kurd, as SDGT's pursuant to Executive Order No. 13224 for supporting and financing HAMAS's terrorist agenda. These designations remain in effect to this day.

113. On November 12, 2008, the U.S. Department of the Treasury officially designated the Union of Good, an organization created by HAMAS to transfer funds raised by affiliates to HAMAS, as an SDGT pursuant to Executive Order No. 13224. This designation remains in effect to this day.

114. On March 18, 2010, the U.S. Department of the Treasury officially designated the Islamic National Bank of Gaza, an institution established and controlled by HAMAS, as an SDGT pursuant to Executive Order No. 13224.

115. Also on March 18, 2010, the Department of the Treasury officially designated Al-Aqsa TV, a station financed and controlled by HAMAS, as an SDGT pursuant to Executive Order 13224. These designations remain in effect to this day.

116. On October 4, 2012, the U.S. Department of the Treasury officially designated the following organizations as SDGT's pursuant to Executive Order No. 13224 for their provision of funding and support to HAMAS: Al-Quds International Foundation and Waqfiya Ri'aya al-Usra al-Filistinya wa al-Lubnanya. These designations remain in effect to this day.

117. On September 8, 2015, the U.S. Department of State officially designated the following individuals as SDGT's pursuant to Executive Order No. 13224 for their activity

connected with HAMAS: Mohammed Deif; Rawhi Mushtaha; and Yahya Sinwar. These designations remain in effect to this day.

118. On September 10, 2015, the U.S. Department of the Treasury officially designated the following HAMAS leaders and financiers as SDGT's pursuant to Executive Order No. 13224 for their activity connected with HAMAS: Salih Muhammad Sulayman al-Aruri ("Al-Arouri"); Mahir Jawad Yunis Salah ("Salah"); Abu-Ubaydah Khayri Hafiz Al-Agha ("Al-Agha"); Mohammed Reda Mohammed Anwar Awad ("Awad"); and Asyaf International Holding Group for Trading and Investment. These designations remain in effect to this day.

119. On September 16, 2016, the U.S. Department of State officially designated HAMAS leader Fathi Hammad as an SDGT pursuant to Executive Order No. 13224 for his activity connected with HAMAS. This designation remains in effect to this day.

120. Between 1999 and the dates of the terrorist attacks at issue in this case, the courts of the United States, including this Court, have published a number of decisions finding that HAMAS was responsible for terrorist attacks in which American and Israeli citizens were killed or injured.

### **III. HAMAS'S EXTENSIVE USE OF FACEBOOK**

#### **A. Facebook's Platform and Services**

121. Facebook provides a sophisticated yet easy-to-use internet social media platform and related products and services (collectively, "Services") under the general trade name "Facebook."

122. Facebook's Services include use of Facebook's computer infrastructure, network, software applications, tools and features, communications services, and more.

123. Facebook's sophisticated platform ("Platform") is comprised of highly advanced software, algorithms, computer servers and storage, communication devices, computer applications and more.

124. Facebook's Platform is created, based upon, and derived from scientific, technical or other specialized knowledge.

125. Facebook also provides additional specialized tools and features as part of its Services and Platform, including: "Messenger" for texting, chatting with groups, making on-line voice and video calls, recording voice messages, sending videos and pictures, and making payments; "Social Plugins" for integrating Facebook with external websites; "Badges" for sharing information on external websites; various smartphone applications; other tools for monitoring, scheduling, and creating alerts; and more.

126. Facebook's Services and Platform thus extend beyond providing or performing traditional services of a publisher.

127. Unlike traditional internet websites and "bulletin board"-type services (such as "Craig's List" or "Backpage"), which receive and publish advertisements or notices submitted by users or the public, Facebook functions as a technological tool in the hands of its users that enables users to design and create their own internet websites (their individual Facebook "pages" or "accounts"), and to serve as self-publishers of content on their own pages or the pages of other users.

128. Facebook does not hold itself out as an editor, publisher, or speaker of the content its users publish on their own pages or the pages of other users.

129. Rather, Facebook has described itself as a provider of products and services that enable users, among other things: to find and connect with other users; to share, publish, and



communicate their own content to other users; and to maintain ownership and control over their own content and how such content is shared with others.

130. For example, in the Overview of its business in its Annual Report for the fiscal year ended December 31, 2013 filed with the U.S. Securities and Exchange Commission (“SEC”), Facebook stated: “We build technology to enable faster, easier and richer communication.”

131. Likewise, in the Prospectus for its initial public offering filed with the SEC in 2012, Facebook described how Facebook “Create[s] Value for Users” as follows:

Our top priority is to build useful and engaging products that enable you to:

- ***Connect with Your Friends.*** ... our users are increasingly able to find and stay connected with their friends, family, and colleagues on Facebook.”
- ...
- ***Express Yourself.*** We enable our users to share and publish their opinions, ideas, photos, and activities to audiences ranging from their closest friends to our 845 million users, giving every user a voice within the Facebook community.
- ***Control What You Share.*** Through Facebook’s privacy and sharing settings, our users can control what they share and with whom they share it. ...

132. Facebook’s 2012 Prospectus also included a letter from Facebook CEO Mark Zuckerberg, in which he stated: “At Facebook, we build tools to help people connect with the people they want and share what they want, and by doing this we are extending people’s capacity to build and maintain relationships.... By helping people form these connections, we hope to rewire the way people spread and consume information.... We also believe that giving people control over what they share is a fundamental principle of this rewiring.”

133. In its 2013 Annual Report filed with the SEC, Facebook stated: “Our objective is to give users choice over what they share and with whom they share it. This effort is fundamental to our business and focuses on control, transparency, and accountability.” Under the heading “***Control***” the Annual Report further stated:

We believe that by providing our users with clear and easy-to-use controls, we will continue to promote trust in our products. For example, when a user posts a status update or uploads a photo to Facebook, our in-line controls allow the user to select his or her audience at the same time that he or she is publishing the post. In addition, we provide other data management tools. “Activity Log” is a unified tool that people can use to review and manage the content they have posted and the actions they have taken on Facebook. When using the Activity Log, a user can view his or her activity with a particular application, delete a specific post, change who can see a photo, or remove an application completely. [emphasis added]

134. In addition, Facebook specifies in its Terms and Services that the user “own[s] all of the content and information [the user] post[s] on Facebook, and [the user] can control how it is shared through [the user’s] privacy and application settings.”

135. Facebook provides its Services only to its registered users, who register for a Facebook account by inputting identifying information and clicking on a “Sign up” button.

136. Facebook requires users to provide certain identifying information in order to register and obtain a Facebook account, which normally includes the user’s name, a working telephone number and a valid email address.

137. Among Facebook’s purposes of requiring identifying information for registration is to enable Facebook to use verification processes to determine the identity of the user, reduce the occurrence of fraudulent Facebook accounts, identity theft, and similar deceptive practices.

138. Facebook does not publish the user’s identifying information provided for registration.

139. Unless a user employs technological masking or deceptive means to disguise the user’s physical location when registering for a Facebook account, Facebook normally can and does determine and record the approximate geographic location of the user at the time of registration based upon the Internet Protocol (“IP”) address and similar data automatically available to Facebook about the user.

140. Thus, unless a user in Gaza employs a technological masking or deceptive means to disguise the user's physical location when registering for a Facebook account, Facebook normally can and does determine and record that the user is located in Gaza.

141. The identifying information, IP address, geographical information, and other data collected by Facebook for determining the identity of the user can also be used by Facebook to determine whether the user has or has had other Facebook accounts as well.

142. It is not necessary to view any of the "Terms of Service" or other policies or conditions in order to proceed with registration.

143. Facebook does not require users to specify the content they intend to publish on Facebook when they register, nor does Facebook pre-screen user registrations based upon anticipated content.

144. Facebook users themselves publish content on their own pages and on other users' pages (when granted permission by such other users) by using Facebook's Services.

145. Facebook does not preview or edit content published by users to their own pages or to other users' pages.

146. When a user publishes content to the user's Facebook page or another user's page, the content is published in "real-time" or nearly "real-time."

147. When a Facebook user publishes content on his own account or another user's account, Facebook users do not attribute such content to Defendant Facebook, nor do they consider Defendant Facebook to be the speaker or publisher of such content.

148. Facebook has expended and continues to expend enormous sums of money to develop, operate, and update its Platform and Services, which it provides to registered users free of charge.

149. The Platform and Service that Facebook provides to its users free of charge are very valuable to users, who could not replicate all the benefits received from Facebook without enormous financial investment.

150. Facebook's provision of its Platform and Services to users thus enables users to obtain these benefits while freeing-up money and other resources required to obtain these same benefits to spend on other items.

151. Facebook's Services can be used by users to post public messages, or privacy settings and messages are available to enable users to communicate privately.

152. Facebook permits users to create multiple accounts and to follow hundreds (if not an unlimited number) of accounts.

**B. HAMAS and Facebook**

153. Facebook has played an essential role in HAMAS's ability to carry out its terrorist activities.

154. HAMAS uses violence and threats of violence intentionally and purposefully.

155. HAMAS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

156. HAMAS's use of violence and threats of violence is part of HAMAS's program of terrorism, designed *inter alia* to gain attention, instill fear and "terror" in others, send a message, and obtain results.

157. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or "end" of HAMAS's terrorist attacks; rather, HAMAS uses terrorist attacks as a "means" to communicate and accomplish its broader objectives.

158. HAMAS uses terrorism is a psychological weapon.

159. Thus, the messages communicated by a HAMAS terrorist attack, and the emotional and psychological impact it generates, are essential components of the attack itself.

160. The impact and effectiveness of HAMAS's terrorism, and its motivation to carry out more terrorist attacks, are dependent upon HAMAS's ability to communicate its messages and reach its intended audiences, without intermediaries and without interference.

161. The intended audiences of HAMAS's terrorism include Jews, the Israeli public, the Israeli Government, Palestinians and Arabs, public media, other governments and organizations, and ultimately whomever HAMAS may benefit from reaching.

162. The messages HAMAS seeks to communicate through terrorism are tailored toward each audience and circumstance, and the more explicitly and precisely HAMAS can communicate its messages – before, during, and after a terrorist attack – the more HAMAS views terrorism as effective and worthwhile, and the more it will continue to carry out terrorist attacks.

163. Facebook provides HAMAS with a unique and powerful tool of communication that has become an essential and integral part of HAMAS's program of terrorism.

164. Facebook enables HAMAS to disseminate its messages directly to its intended audiences without having to go through the filter of commercial media, and it enables HAMAS to have greater access to the commercial media to further its goals as well.

165. HAMAS not only uses Facebook for recruiting, gathering information, planning, inciting, and giving instructions for terror attacks, HAMAS also uses Facebook to issue terroristic threats, attract attention to its terror attacks, instill and intensify fear from terror attacks, intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror attacks, and influence and affect government policies and conduct.

166. Thus, HAMAS uses Facebook's Services to actually carry out the essential communication components of HAMAS's terror attacks.

167. Simply put, HAMAS uses Facebook as a tool and a weapon of terrorism.

168. Moreover, by allowing HAMAS, its members, its leaders, and its affiliated organizations to register for Facebook accounts and use Facebook's Services, Facebook lends a sense of authenticity and legitimacy to HAMAS as an organization that can operate openly and with impunity, notwithstanding the murderous crimes it commits and its status as an illegal terrorist organization.

169. In defiance of federal criminal laws that prohibit providing material resources or support (including *inter alia* services and personnel) to designated terrorists, Facebook enables HAMAS terrorists to come out of hiding and present a public face under HAMAS's own brand and logo.

170. HAMAS's ability to openly publish its materials on Facebook also gives it an added sense of legitimacy by having HAMAS accounts appear in connection with the brand and logo of an American company: Facebook.

171. Facebook's provision of support to HAMAS is not simply a matter of whether HAMAS abuses its use of Facebook's Services, or whether Facebook exercises or abuses its editorial judgment regarding the content of HAMAS's posts; under federal law, Facebook has no discretion about whether or not to provide its Services to HAMAS – it is prohibited by United States federal law from doing so.

172. Indeed, in an effort to appear as if Facebook is complying with U.S. federal law, Facebook's own terms and policies ostensibly bar HAMAS and other foreign terrorist

organizations and individuals designated under U.S. law from using Facebook, and Facebook has publicly claimed that it does not permit HAMAS to have a presence on Facebook.

173. However, in practice, Facebook has nevertheless knowingly provided its Services to HAMAS, its members, and affiliates, as well as other foreign terrorist organizations and individuals designated under U.S. law.

174. Thus, by falsely representing that it does not permit HAMAS to use or have a presence on Facebook when in fact it has knowingly continued to provide its Services to HAMAS, Facebook has concealed and disguised the nature, location, source, or ownership of material support or resources, knowing that they are used in preparation for, or in carrying out, terrorist criminal activity.

175. The value of Facebook to HAMAS is demonstrated by the many Facebook accounts used by HAMAS, its members, constituent groups, and related entities and affiliates to promote and carry out activities of HAMAS. These HAMAS-related Facebook accounts openly display the emblems and symbols of HAMAS and its affiliated entities. These individuals, constituent groups, and related entities and affiliates are so identified with and controlled by HAMAS that one who provides material support or resources to any of them is in fact providing material support and resources to HAMAS.

176. HAMAS's official websites have included hyperlinks (signified by Facebook's "f" symbol) to Facebook accounts operated by HAMAS, as shown in the following screen-clip from HAMAS's primary official Arabic website:



177. Many of HAMAS's leaders have Facebook accounts in their own names that they or other HAMAS members use to promote HAMAS and carry out the activities of HAMAS, including the following:

- a. Emad El-Alami (a/k/a Abu Hammam), Member of HAMAS Politburo, personally designated SDGT since August 2003;
- b. Khalil El-Hayya (a/k/a Abu Osama), Member of HAMAS Politburo;
- c. Osama Hamdan, Member of HAMAS Politburo and head of foreign relations, personally designated SDGT since August 2003;
- d. Ismail Haniyeh (a/k/a Abu Abed), Vice President of HAMAS Politburo and leader of HAMAS in Gaza;
- e. Mousa Abu Marzook, (a/k/a Abu-'Umar), Vice President of HAMAS Politburo, personally designated SDGT since August 2003;
- f. Mushir al-Masri, HAMAS member of Palestinian Legislative Council (PLC) and Official HAMAS Spokesman;
- g. Rawhi Mushtaha, Member of HAMAS Politburo, personally designated SDGT since September 2015;
- h. Mohammad Nazzal, (a/k/a Abu Bara'), Member of HAMAS Politburo;
- i. Izzat Al-Rishiq (a/k/a Abu Omar), Member of HAMAS Politburo;



- j. Mahmoud al-Zahhar, (a/k/a Abu Khaled), Member of HAMAS Politburo;
- k. Yahya Moussa, HAMAS member of PLC.

178. These and other HAMAS leaders also use Facebook as a means to communicate and make themselves available to HAMAS for its operations.

179. Many official HAMAS spokesmen have Facebook accounts in their own names that they use to promote and carry out the activities of HAMAS. Profiles of several of these spokesmen and hyperlinks to their Facebook accounts have appeared on HAMAS's official websites. Official HAMAS spokesmen who have maintained Facebook accounts which they have used to promote and carry out the activities of HAMAS have included, for example:

- a. Husam Badran;
- b. Salah Bardawil;
- c. Fawzi Barhoum;
- d. Abd al-Rahman Shadid;
- e. Sami Abu Zuhri;

180. These and other HAMAS spokesmens also use Facebook as a means to communicate and make themselves and HAMAS leaders available to HAMAS for its operations.

181. HAMAS news organizations also maintain Facebook accounts, which they use to promote and carry out HAMAS activities. Some of these HAMAS news organizations maintain multiple Facebook sites, including separate Facebook accounts in Arabic, English, and other languages. HAMAS news organizations that use Facebook to promote and carry out HAMAS activities include, for example:

- a. Al-Aqsa TV, specifically designated SDGT since March 2010;
- b. Al-Aqsa Voice (Radio);

- c. Al-Quds TV;
- d. Al-Ray;
- e. Al-Resalah;
- f. Felesteen (Newspaper);
- g. Quds News Network;
- h. Safa (Palestinian Press Agency in Gaza);
- i. Shehab News Agency.

182. These and other HAMAS news organizations also use Facebook as a means to deliver communications received directly from HAMAS leaders and spokesmen and make personnel available to HAMAS for its operations.

183. HAMAS information websites and forums also maintain Facebook accounts, which they use to promote and carry out HAMAS activities. Some of these HAMAS information websites and forums maintain multiple Facebook accounts, including separate Facebook accounts in Arabic, English, and other languages. HAMAS information websites and forums that use Facebook to promote and carry out HAMAS activities include the following, for example:

- a. HAMAS Media Office (HAMAS Information Office);
- b. Palestinian Information Center (PALINFO);
- c. Palestine Network for Dialogue (PALDF);
- d. Palestine Plus.

184. These and other HAMAS websites and information forums also use Facebook as a means to deliver communications received directly from HAMAS leaders and spokesmen and make personnel available to HAMAS for its operations.

185. HAMAS subgroups and affiliate organizations also maintain Facebook accounts on which they display their affiliation with HAMAS using various HAMAS emblems, disseminate messages from HAMAS, enlist support for HAMAS, and otherwise promote and carry out HAMAS activities. Such HAMAS subgroups and affiliate organizations that have used Facebook to promote and carry out HAMAS activities include, for example:

- a. HAMAS Division of Refugee Affairs;
- b. HAMAS Prisoners' Leadership (Ahrar Wledna);
- c. HAMAS in the West Bank (Omamah);
- d. Islamic Bloc – HAMAS Student Wing – Kotla;
- e. Izz al-Din al-Qassam Brigades;
- f. Palestinian Authority offices and divisions in Gaza controlled by HAMAS, including for example, the Palestinian Interior Ministry in Gaza;
- g. Raed Attar Rafah Brigade;
- h. Women for Palestine;

186. These and other HAMAS subgroups and affiliate organizations also use Facebook as a means to deliver communications received directly from HAMAS leaders and spokesmen and make personnel available to HAMAS for its operations.

187. In addition, other organizations that have been designated as SDGTs for providing financial support and fundraising to HAMAS also operate Facebook accounts, including, for example:

- a. Commite de Bienfaisance et de Secours aux Palestiniens (CBSP), specifically designated SDGT since August 2003;
- b. Interpal, specifically designated SDGT since August 2003;

- c. Islamic National Bank of Gaza, specifically designated SDGT since March 2010.

188. These designated SDGT's also provide personnel and services to HAMAS via Facebook to raise funds for HAMAS.

189. HAMAS and its affiliated organizations use Facebook's Services in a multitude of ways to promote and carry out HAMAS's activities, including its terrorist activities. The utility of Facebook to HAMAS is only limited to each HAMAS user's imagination and creativity in deploying Facebook's powerful features. The following are some examples of how HAMAS has used Facebook to promote and carry out its terrorist activities.

190. HAMAS has used Facebook as a method of sharing operational and tactical information with its members and followers. For example, HAMAS-related Facebook accounts have disseminated notices of upcoming demonstrations, road closures, Israeli military actions, and instructions to operatives.

191. HAMAS has used Facebook as a gateway to other extremist sites and online radical content by linking Facebook posts to websites, discussion forums, and other social media such as YouTube, Twitter, Facebook's Instagram, and more.

192. HAMAS has used Facebook as a media outlet to spread its extremist ideology, especially to youth, and to recruit followers.

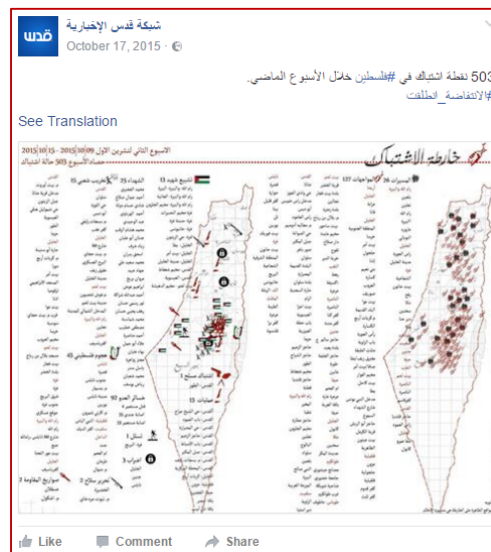
193. HAMAS has used Facebook to disseminate propaganda and messages to its followers and the public.

194. For example, HAMAS has used Facebook to promote and facilitate live ask-and-answer sessions to enable the public to interact over social media with HAMAS leaders and personalities, such as the following:



195. HAMAS has used Facebook as a means of gathering and disseminating information, intelligence, and reconnaissance from remote sources and locations.

196. For example, HAMAS's Quds News Network used Facebook to disseminate the following graphic depicting violent Palestinian attacks and clashes, including stabbings, shootings, rock-throwing, Molotov cocktails, and more, on a particular day in October 2015:



197. HAMAS has used Facebook to disseminate graphic images, videos, and music to inflame Palestinian emotions and incite violence against Israelis and Jews.

198. HAMAS has used Facebook to glorify terrorist “martyrs” and develop a “cult of death” among Palestinians living in Gaza and the West Bank.

199. For example, HAMAS has used Facebook to disseminate pictures of HAMAS terrorists, which HAMAS glorified as “martyrs,” who died carrying out terrorist attacks against Israelis or while digging underground tunnels from Gaza into Israel to be used to carry out terrorist attacks against Israelis.

200. HAMAS has used Facebook to strengthen organizational links and communications, and to build public support among Palestinians in Gaza and the West Bank.

201. HAMAS has used Facebook to circumvent the shutting down of conventional media outlets, for example by disseminating radio and television clips via Facebook or linking from Facebook to other online sites.

202. HAMAS has used Facebook to encourage violence through disseminating posters, cartoons, and instructional materials suggesting and encouraging terrorist acts.

203. For example, official HAMAS spokesman Abdul Rahman Shadid used Facebook to glorify killing Israelis and to portray HAMAS terrorists as protecting children rather than using them as human shields by posting the following cartoon picture:



204. HAMAS has used Facebook as a means to communicate its messages to the broader news media, including through English and Hebrew Facebook accounts and posts.

205. HAMAS has used Facebook to attempt to spread fear, threaten, intimidate, and coerce the Israeli Government, Jews, and Israelis.

206. HAMAS and its affiliates have used Facebook for fundraising and to generate material support for HAMAS.

207. HAMAS has used Facebook to give it more of an appearance of legitimacy.

208. HAMAS has used Facebook to promote its political agenda vis a vis other Palestinian groups and leaders.

209. HAMAS has used Facebook to conduct public diplomacy and negotiations with other groups and with countries such as Egypt and Turkey.

210. HAMAS has used Facebook's "hashtag" feature to enable users to locate HAMAS sites and link to other related terrorist content and sites.

211. HAMAS has used many tactics to justify and gain popular support for its terrorist actions, inflame Palestinian hatred and anger against Jews and Israelis, and motivate its operatives to carry out terrorist attacks.

212. For example, HAMAS has claimed that it is upholding Islam, and that its actions are for the sake of protecting Islam and Muslims against Jews.

213. HAMAS has also claimed that the State of Israel an illegitimate "Occupier" of Palestinian/Muslim land, and that Jews and Israelis are illegal "Settlers."

214. HAMAS has portrayed the actions of Israel and Jews as nefarious, and as intended to take property or harm Palestinians and Muslims.

215. HAMAS has portrayed Israel and Jews as brutal murderers who randomly arrest, injure, or kill innocent Palestinians and Muslims, while HAMAS has glorified terrorists who die carrying out attacks against Israelis and Jews as "heroes" and "martyrs" who fulfill their religious and national duties by "avenging" all the harms they attribute to Israel and Jews.

216. HAMAS has also used the Al-Aqsa Mosque as a flash point and rallying cry to stir emotion and anger among Palestinians against Jews and Israelis.

217. HAMAS has used Facebook as a tool to, among other things, propagate and reinforce these ideas and tactics in messages that are pushed out instantly and repeatedly to viewers in a manner and format that gives a sense of urgency to HAMAS's appeals for terrorist action.

218. Facebook is especially useful to HAMAS because, among other things, it is provided free of charge, allows unlimited accounts and usage, offers the ability to push content to an enormous number of users instantaneously, provides the ability to communicate without disclosing location, enables like-minded users to connect and communicate, affords both public and private communications, and integrates other social media platforms and services.

219. By providing its valuable Services and Platform to HAMAS for free, Facebook enables HAMAS to direct funds that it would have had to spend for similar resources, including communications, software, networking, and other services and computer equipment, toward terrorist operations.

220. As noted above, in addition to the fact that HAMAS is designated as an FTO, many of HAMAS's leaders and affiliates are designated SDGT's under U.S. law.

221. As part of an illegal terrorist organization, HAMAS leaders and operatives must often operate secretly and keep their specific whereabouts hidden to avoid being captured or killed, and thus their ability to personally meet with or communicate directly with other HAMAS members and the public is normally severely limited.

222. Through Facebook, HAMAS leaders, operatives, and recruits are able to make themselves available to HAMAS for HAMAS's terrorist activities.



223. Thus, through its actions, Facebook has aided and abetted, conspired, and provided personnel to HAMAS by making HAMAS leaders, operatives, and recruits available to HAMAS to conspire, plan, prepare and carry out terrorist activity.

224. In addition, Facebook has enabled HAMAS to continue these activities by concealing its provision of material support and resources and HAMAS's extensive use of Facebook's Services.

#### **IV. THE TERRORIST ATTACKS THAT INJURED THE PLAINTIFFS**

##### **A. The Kidnapping and Murder of Yaakov Naftali Fraenkel: June 12, 2014**

225. Following the 2011 release of HAMAS prisoners in exchange for abducted Israeli soldier Gilad Shalit (the "Shalit Deal"), HAMAS used Facebook to gain public favor among Palestinians for its accomplishment in obtaining the release of Palestinian prisoners.

226. HAMAS referred to the Shalit Deal in Arabic as "Devotion of the Free."

227. HAMAS also used Facebook to generate popular Palestinian support for remaining HAMAS prisoners, and to raise funds to provide financial support for former and current HAMAS prisoners.

228. After the Shalit Deal, HAMAS leaders conspired to carry out additional kidnapping operations to abduct Israelis for the purpose of obtaining the release of additional HAMAS prisoners, and HAMAS operatives made numerous attempts to carry out such kidnapping operations.

229. HAMAS used Facebook to publicize and generate support for its plans to kidnap additional Israelis to use (dead or alive) for negotiating the release of additional HAMAS prisoners, and to make HAMAS leaders available through Facebook to promote their conspiracy to carry out such kidnapping operations.

230. For example, HAMAS leader Rawhi Mushtaha (“Mushtaha”), who was released as part of the Shalit Deal in 2011,<sup>12</sup> opened a Facebook account in 2012 to garner popular Palestinian support for HAMAS prisoners who were still serving sentences in prison.

231. In April 2012, Mushtaha was elected to the HAMAS Politburo.

232. On April 17, 2012, HAMAS’s Al-Resalah used Facebook to promote kidnapping Israeli soldiers as a method of obtaining release of more HAMAS prisoners by posting the following picture of Mushtaha with a link to an article on Al-Resalah’s website and the Arabic message: “Mushtaha: The duty of the Resistance is ‘the kidnapping of the soldiers’”:



233. On October 18, 2013, HAMAS’s Quds News Network also used Facebook to promote kidnapping Israeli soldiers as a method of obtaining release of more HAMAS prisoners by posting the following picture from the Shalit Deal with a link to an article on Quds News Network’s website and the Arabic message: “#Quds Network | #Prisoners | A leader of the #Hammas movement Moussa Abu Marzouk vowed to renew his work to free the prisoners from the prisons

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<sup>12</sup> Mushtaha had been a co-founder of an early military wing of HAMAS that was primarily devoted to killing Palestinian collaborators. At the time of his release under the Shalit deal, Mushtaha was serving multiple life sentences for murder through an act of terror, military exercises, manslaughter, and incitement.

of the Occupation by all means possible, especially the kidnapping of soldiers from the Occupation army”:



234. On April 15, 2014, HAMAS's Quds News Network again used Facebook to promote kidnapping Israeli soldiers as a method of obtaining release of more HAMAS prisoners by posting the following picture of HAMAS leader Ismael Haniya, quoted as stating in Arabic: "The kidnapping of [Israeli] soldiers is part of the operation agenda of the Palestinian Resistance, and will remain persistent until the release of the last Palestinian prisoner in the Occupation's prisons":



235. Also on April 15, 2014, HAMAS's Shehab News Agency, Al-Aqsa Radio Direct, and PALINFO, as well as other HAMAS entities, used Facebook to quote Haniya as stating: "Kidnapping Zionist soldiers is part of the Resistance and part of the work of HAMAS":



236. As part of HAMAS's overall conspiracy to conduct additional kidnapping operations, prior to June 12, 2014, HAMAS planned, conspired and made preparations to kidnap a Jew for the purposed of using him as a bargaining chip in negotiations for the release of Palestinian prisoners held in Israel.

237. Among the local HAMAS conspirators were:

- a. Hussam Qawasmeh ("Hussam"), a resident of Hebron;
- b. Marwan Qawasmeh ("Marwan") (also known as "Abu Yahya"), a resident of Hebron;
- c. Amer Abu Aysha ("Amer"), a resident of Hebron; and
- d. Mahmoud Qawasmeh ("Mahmoud") (Hussam's brother), a resident of Gaza.

238. These four HAMAS members had all previously been imprisoned for HAMAS terrorist activities and affiliation.

239. Mahmoud, originally from Hebron, had been released to Gaza in 2011 as part of the Shalit Deal; he had previously been convicted and sentenced to 20.5 years in prison for his

involvement in a 2004 HAMAS double-suicide attack on two public buses in Beersheva that killed 16 Israelis and injured many others.

240. Mahmoud maintained a Facebook account in his name, through which he followed and maintained contact with senior HAMAS leaders before and after the kidnapping, particularly with regard to HAMAS's efforts to obtain the release of HAMAS prisoners.

241. Hussam was the local leader of the HAMAS kidnapping operation.

242. Hussam met with Marwan several times to plan the details of the operation.

243. Marwan recruited Amer to participate in the kidnapping.

244. Mahmoud was an employee of a HAMAS charity in Gaza that provides funds for current and former HAMAS prisoners.

245. Hussam contacted his brother Mahmoud in Gaza, who obtained and provided money from the charity to finance the kidnapping operation.

246. Hussam used the money from the HAMAS charity, to purchase *inter alia* two M16 rifles, two pistols, ammunition, and a stolen car for use in the terrorist operation.

247. Pursuant to their plan, on Thursday night, June 12, 2014, Marwan and Amer (the two "HAMAS Kidnappers") drove a stolen vehicle with Israeli license plates to the Gush Etzion area, southwest of Jerusalem, looking for a Jew to kidnap.

248. At around 10:30 p.m., Marwan and Amer spotted three boys, 16-year-old Yaakov Naftali Fraenkel ("Naftali"), together with Israeli teenagers Gilad Shaer ("Gilad") and Eyal Yifrah ("Eyal"), at a hitchhiking post in Gush Etzion on their way home from school.

249. Marwan and Amer picked up the three boys, misleading them to believe they were taking them to their desired destination.

250. After the boys were seated in the back seat of the car, Marwan pulled out a pistol, pointed it at the boys, told them they were kidnapped, and ordered them to keep quiet.

251. During this time, Gilad managed to place an emergency call and state in a whisper that he had been kidnapped, which ultimately enabled the Israeli police to trace the location of the boys to the Hebron area.

252. Tragically, shortly after the abduction, the HAMAS Kidnappers decided to murder the three boys.

253. Marwan and Amer both aimed their pistols and shot the boys in the back seat of the car at point blank range, killing Naftali, Gilad, and Eyal on the spot.

254. The two HAMAS Kidnappers then continued driving toward Hebron until they reached the outskirts of the village of Duma, where they wrapped the boys' bodies in black plastic bags and moved them to a getaway car that was parked there.

255. The two HAMAS Kidnappers poured gasoline on the kidnapping car and set it on fire with the boys' personal belongings inside.

256. The two HAMAS Kidnappers next drove the getaway car to Wadi Hasaka, where they threw the boys' bodies in a land plot, and then returned to Hebron.

257. Later that night, Marwan and Hussam went back and moved the bodies to a plot of land that Hussam owned, where they buried the bodies and covered them with earth, gravel and uprooted bushes in order to better conceal them.

258. Marwan and Hussam then buried the boys' clothes nearby, and disposed of the tools and plastic bags that had been used to wrap the bodies.

259. HAMAS publicly praised the kidnapping, and asserted that it was an opportunity to increase attacks against Israel and spark a "Third Intifada."

260. On June 13, 2014, the morning after the kidnapping, official HAMAS spokesman Husam Badran used Facebook to call for more violence on behalf of HAMAS, by posting the following message in Arabic: “We call upon our people in all parts of the West Bank to confront the Occupation, whether as part of mass confrontations or privately-initiated Resistance [operations] . . . This is an opportunity to widen the circle of confrontation, and restore the West Bank to its natural status as the spearhead of the Resistance”:



261. HAMAS also used Facebook to publicize the kidnapping of the three boys, and to portray Palestinians celebrating the event.

262. For example, on June 14, 2014, HAMAS’s PALINFO used Facebook to praise the kidnapping by posting the following picture showing Palestinian police in Gaza handing out candy to celebrate the kidnapping of the three boys, which it called “Zionist soldiers”:



263. On June 16, 2014, HAMAS's Shehab News Agency used Facebook to praise the kidnapping by posting the following message in Arabic that HAMAS Politburo member Muhammad Nazal had called the kidnapping of the three boys as "a heroic capture operation":



264. Also on June 16, 2014, HAMAS's Quds News Network used Facebook to praise the kidnapping by posting the following picture and statements in Arabic of HAMAS leader Nazal, including his statement that, "each passing day that the Israeli Occupation could not locate the Settlers [missing boys] is an achievement in itself":



265. When Israeli authorities learned of the kidnapping, they still did not fully know the terrible fate of the three boys.

266. Israel immediately launched an operation called "Brother's Keeper" to find and return the missing boys.

267. Search teams were dispatched to locate the boys and their abductors, and continuously searched for them, day and night, for more than two weeks.



268. The entire State of Israel, foreign governments and millions of concerned people around the world maintained a prayer vigil as the search continued for the missing boys.

269. Meanwhile, HAMAS used Facebook to attempt to disrupt and thwart the search for the three boys.

270. For example, on June 13, 2014, as Israeli soldiers entered Hebron to search for the boys and their abductors, HAMAS used Facebook to call for Palestinians to destroy surveillance videos that may help locate the boys. HAMAS's Quds News Network thus used Facebook to post notice with the large graphic stating "URGENT" in Arabic, with the following message in Arabic: "Operatives in Hebron appeal to all shop owners in the area to delete and destroy all records of surveillance cameras during the last 24 hours so as not to permit the Occupation to obtain them to help in the search for the missing Settlers":



271. Finally, on June 30, 2014, a search team found the bodies of the three teens, all murdered by close range gunfire, hidden in the field owned by Hussam.

272. As a result of the kidnapping and murder, Naftali's family members have suffered and continue to suffer extreme psychological and emotional harm.

273. From the evening Naftali did not come on June 12, 2014, until the discovery of his hidden body on June 30, 2014, Naftali's family members were in agony not fully knowing the fate of their son and brother.

274. These feelings of mental anguish and emotional distress were only exacerbated once Naftali's body and the bodies of his two friends were found, brutally murdered in dumped in a makeshift pit.

275. The following are pictures of Naftali, Eyal, and Gilad:



(L-R: Naftali Fraenkel, Eyal Yifrah, and Gilad Sha'ar)

276. On August 5, 2014, Israel announced that it had arrested Hussam in connection with the kidnapping and murder of Naftali, Gilad, and Eyal. By the time of his arrest, Hussam had shaved his beard and received a fake passport in an attempt to flee to Jordan.

277. Hussam confessed to planning and preparing for the HAMAS kidnapping operation that led to the murder of Naftali, Gilad, and Eyal.

278. Among other things, Hussam admitted that he obtained funds from HAMAS for the operation, procured weapons to be used in the kidnapping, assisted in burying the bodies, destroying evidence, and sheltering the two HAMAS Kidnappers.

279. On December 31, 2014, Hussam was convicted by an Israeli court of three counts of accessory to premeditated murder, membership in a group that committed intentional murder, two counts of bringing enemy funds into the country, carrying out the activities for HAMAS, arms dealing, two counts of obstruction of justice, and sheltering wanted individuals.

280. On January 6, 2015, the Israeli court sentenced Hussam to three life sentences for his role in the kidnapping and murder of Naftali, Gilad, and Eyal.

281. On August 20, 2014, senior HAMAS leader Saleh al-Arouri (“al-Arouri”), a member of the HAMAS Politburo, gave a public address at a conference of the International Union of Muslim Scholars in Istanbul, Turkey, in which he declared that HAMAS had directed the kidnapping operation in which Naftali, Gilad, and Eyal were kidnapped and murdered.

282. Al-Arouri has been identified as the terrorist mastermind behind the operation.

283. After al-Arouri’s speech, HAMAS’s Felesteen and Safa Press Agency both used Facebook to provide access to the video of Al-Arouri’s speech announcing that the kidnapping and murder of the three boys was a HAMAS operation.

284. In September 2014, Israeli investigators learned the hideout location of the two HAMAS Kidnappers.

285. In the early morning hours of September 23, 2014, special Israeli police forces surrounded a building in Hebron where Marwan and Amer were hiding.

286. Marwan and Amer both died in a shootout with police.

287. Senior HAMAS officials praised the abduction and called the HAMAS Kidnappers “martyrs” and “heroes.”

288. HAMAS has used Facebook to glorify the HAMAS Kidnappers and Hussam, and continues to use Facebook to praise the kidnap and murder of Naftali, Gilad, and Eyal, and to encourage even more HAMAS terrorist operations and violence against Israelis.

289. For example, on September 23, 2014, HAMAS’s Shehab News Agency used Facebook to glorify the HAMAS Kidnappers Marwan Qawasmeh and Amar Abu Aysha by posting the following graphic with their pictures, and calling them “Martyrs of the *Izz al-Din al-Qassam* Brigades”:



## **B. The Murder of Chaya Zissel Braun: October 22, 2014**

290. Following the kidnapping and murder of Naftali, Gilad, and Eyal, HAMAS leaders conspired to increase terror attacks against Israelis in Israel.

291. While many HAMAS leaders are located in Gaza and abroad (such as in Turkey and Qatar), HAMAS largely relied on operatives inside Israel to carry out these attacks.

292. Therefore, HAMAS used Facebook as an essential means of messaging, communicating, and making personnel available (both leaders and operatives) to call for and carry out such attacks.

293. On the afternoon of October 22, 2014, HAMAS operative Abdel Rahman Shalodi (“Shalodi”) carried out a terror attack at the Ammunition Hill light rail trial station in Jerusalem, using his car to injure and kill as many Jews as possible.

294. Shalodi’s attack resulted in the death of two people, including Plaintiffs Chana and Shmuel Elimelech Braun’s 3-month-old baby girl, Chaya Zissel Braun.

295. Shalodi was a resident of the Bustan neighborhood of Silwan in East Jerusalem, and a member of a well-known HAMAS family.

296. Shalodi was the nephew of the famous HAMAS terrorist Mohiyedine Sharif (“Sharif”) (nicknamed “the Electrician” and “the Engineer 2”), a former head of HAMAS’s *al-Qassam* Brigades in the West Bank; Sharif’s sister was Shalodi’s mother.

297. Shalodi’s uncle Sharif was the protégé of the famed HAMAS bomb-maker Yahya Ayyash (“Ayyash”) (known as “the Engineer”), and he became HAMAS’s chief bomb-maker after Ayyash’s death. Sharif was responsible for recruiting suicide bombers and preparing explosives for numerous attacks murdering scores of Jews and Israelis and injuring hundreds more before he was killed by rivals in a car explosion in 1998.

298. HAMAS has used Facebook to publicly honor Sharif as an *al-Qassam* Commander and Martyr.

299. Shalodi’s family took pride in its HAMAS “heritage” through Sharif, and they participated in HAMAS’s glorification of Sharif’s terrorist activity and “martyrdom.”

300. For example, on March 29, 2013, Shalodi’s mother posted on her Facebook account several messages with video and other materials from HAMAS-affiliated Facebook sources commemorating the fifteenth anniversary of Sharif’s death, and praising his *al-Qassam* terrorist leadership, such as the following:



301. Shalodi, his family members, and his friends actively used Facebook to follow and promote HAMAS terrorism and violence, and they shared many Facebook postings and comments among each other promoting HAMAS, the *al-Qassam* Brigades, and anti-Israel violence.

302. Shalodi himself had at least two Facebook accounts under his own name, and one or more accounts under other names.

303. Shalodi used his Facebook accounts to follow and promote HAMAS terrorism and violence.

304. For example, in April 2011, Shalodi posted the following “Scheme for a Third Intifada” on one of his Facebook accounts:

The screenshot shows a Facebook post by Abd Shalodi, dated April 5, 2011. The post is titled "الانتفاضة الفلسطينية الثالثة" (The Third Palestinian Intifada). The main content is a table with 12 rows and 4 columns, detailing a "Scheme for a Third Intifada". The table lists various locations and dates for the "Third Intifada". The post also includes a Facebook "Like" button and a "Write a comment" field.

الوقت: الأول: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الرابع: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الخامس: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: السادس: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة
13 مايو 2011	14 مايو 2011	15 مايو 2011	15 مايو 2011
الوقت: الأول: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الثاني: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الثالث: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الرابع: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة
الوقت: الخامس: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: السادس: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: السابع: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الثامن: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة
الوقت: التاسع: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: العاشر: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الحادي عشر: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة	الوقت: الثاني عشر: تجميع الجماهير ... اليوم الثاني: الانتفاضة في الحدود ... اليوم الثالث: الحشد الشعبي والتمويل للانتفاضة

305. Shalodi’s April 2011 Facebook post of the “Scheme for a Third Intifada” was also linked to another Facebook account called in Arabic, “With Our Soul and Our Blood We Will Redeem You O Silwan,” which Shalodi followed.

306. Shalodi also posted numerous pictures and videos of Palestinian riots and rock-throwing against Israelis on his Facebook pages.

307. Many of Shalodi’s friends and relatives, including several of his brothers, have been arrested at various times for terrorist activities.

308. Shalodi himself was arrested in 2012 for HAMAS terrorist activities, and was convicted and sentenced to 14 months in prison.

309. After Shalodi was arrested, several HAMAS-affiliated prisoner and news groups used Facebook to garner public sympathy and support for Shalodi by publicizing his detention and developments in his criminal case.

310. For example, on June 6, 2012, the HAMAS Prisoners' Leadership ("Ahrar Wledna") used Facebook to post the following message claiming that Shalodi was unfairly arrested under a false pretext:



311. On December 28, 2012, HAMAS's Asra News (part of HAMAS's Quds News Network) used Facebook to post the following picture of Shalodi in a court proceeding, claiming that the "Occupation" prevented Shalodi's father from attending the hearing, which was therefore postponed:



312. When Shalodi was released from prison in December 2013, the HAMAS-affiliated Islamic Movement hung a welcome banner celebrating his release outside his family home in Silwan with Shalodi's image on the left side and images of HAMAS "martyrs" Ahmed Yassin

(founder of HAMAS) and Shalodi's uncle Sharif on the right side, and the following Arabic announcement: "The Islamic Movement - Bayt al-Maqdis<sup>13</sup>] lauds the heroic prisoner Abd al-Rahman al-Shalodi, on his release from the prison of the Occupation [Israel]":



313. After his release from prison, Shalodi continued to follow HAMAS on Facebook; for example, he posted the following *al-Qassam* Brigades video on his Facebook page on January 6, 2014:



314. Like HAMAS, the northern branch of the Islamic Movement ("the Islamic Movement") in Israel, headed by Sheikh Raed Salah, is a radical Islamist organization affiliated with the Muslim Brotherhood.

<sup>13</sup> The Arabic phrase "Bayt al-Maqdis" (also "Bayt al-Muqadis") can refer to Al-Aqsa or Jerusalem.



315. According to the Israeli Government, the Islamic Movement is a sister organization of HAMAS, the two movements maintain a close and secretive cooperation, and they share an extremist ideology and a common goal: the destruction of the State of Israel.

316. The Israeli Government has also found that Islamic Movement leader Salah maintains contact with figures from the Muslim Brotherhood and Hamas outside of Israel in order to coordinate activities and receive funding, and he works with senior Hamas leaders in Jerusalem to coordinate actions in Jerusalem, particularly regarding Al-Aqsa and the Temple Mount.

317. For years, HAMAS and the Islamic Movement in Israel have collaborated and coordinated incitement and violence against Jews and Israel in connection with the Al-Aqsa Mosque in Jerusalem.

318. The Al-Aqsa Mosque and the gold-topped Dome of the Rock shrine are built on a stone platform plaza in Jerusalem known in Arabic as Al-Haram ash-Sharif (“the Noble Sanctuary”); this area is known to Jews as the Temple Mount, being the site on which the First and Second Jewish Temples previously stood.<sup>14</sup>

319. In recent years, HAMAS and the Islamic Movement have led a campaign of incitement under the banner “Al-Aqsa is in Danger,” falsely claiming that the State of Israel intends to change the status quo with regard to the Temple Mount and is plotting to carry out an imminent plan to destroy the Al-Aqsa Mosque to build a Third Jewish Temple on the site.

320. When small groups of Jewish visitors are periodically allowed to enter the Temple Mount plaza, HAMAS and the Islamic Movement issue calls for their followers to come to “defend Al-Aqsa” from “Settlers” who they claim are “storming Al-Aqsa.”

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<sup>14</sup> According to the Hebrew Bible and Jewish tradition, the First Temple was built by King Solomon in the 9th century B.C.E. and stood for 410 years, while the Second Temple was built during the time of Ezra the Scribe and was destroyed by the Romans in 70 C.E.

321. HAMAS and the Islamic Movement thus use Al-Aqsa to incite Palestinian riots on the Temple Mount, as well as to incite and promote terrorist attacks on Jews and Israelis in Jerusalem and throughout Israel.

322. The Islamic Movement operates the “Al-Aqsa Foundation for Waqf and Heritage,” which also issues calls for violence in defense of the Al-Aqsa Mosque.

323. In addition, in collusion with HAMAS, the Islamic Movement set up groups of activists to create violent provocations and harass Jewish and other non-Muslim visitors to the Temple Mount; these male groups of activists are called “*Murabitun*” and the female activists are called “*Murabatat*.”

324. For example, in December 2013, HAMAS’s Felesteen used Facebook to promote the actions of the *Murabitun* with the following Arabic message: “Happening now .. Witnesses: The *Murabitun* of the Blessed Al-Aqsa Mosque are launching firecrackers toward the Settlers who stormed the courtyard and are forcing them to flee out of the Al-Aqsa Mosque”:



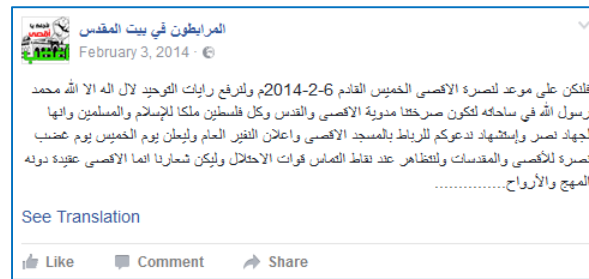
325. HAMAS’s Safa Press Agency also used Facebook in December 2013 to post the following Arabic message from HAMAS leader Ismael Haniyeh: “#Urgent | Haniyeh: The *Murabitun* in Al-Aqsa . . . are acting on behalf of the Palestinian People and the Nation to defend it and we deem that we are at the door of a new *Intifada*”:



326. At the beginning of February 2014, the HAMAS-affiliated Islamic Movement again issued calls for riots to “defend” the Al-Aqsa Mosque against Jews on social media.

327. For example, on Monday evening, February 3, 2014, the following message was posted on the Facebook page for “The *Murabitun* – Bayt al-Muqadis”:

“Let us be on a date to support Al-Aqsa this coming Thursday 6-2-2014 [6 February 2014] and to raise the banners of Monotheism[.] [‘]There is no God but Allah and Mohammed is the Messenger of Allah[’] will be our resounding cry in its courtyards[.] Al-Aqsa and Jerusalem and all Palestine are the property of Islam and Muslims and it requires a jihad of victory and martyrdom[.] We invite you to Ribat [fight for Islamic land which Muslims have a religious obligation to defend and liberate for Islam] in the al-Aqsa Mosque and we declare the General Alarm and declare Thursday a Day of Rage[.] Victory for Al-Aqsa and the holy sites and demonstrate at all points of contact with the troops of the Occupation and we will keep our slogan [‘]Without Al-Aqsa religion is without soul and spirit.[’]”



328. The Arabic announcement of an “Alarm” (sometimes translated into English as “Horn”) is an Arabic militant signal to gather forces.

329. Later on the evening of February 3, 2014, a Facebook page called in Arabic “Sons of Jerusalem” posted a similar “Alarm” regarding Al-Aqsa, which stated: “After calls by Settlers to storm into and raise Israeli flags in the Blessed Al-Aqsa Mosque we are all sacrifices for the Blessed Al-Aqsa Mosque[.] Thursday 2014-2-6 [6 February 2014] is a Day of Alarm”:



330. The next evening, on February 4, 2014, Shalodi reposted the “Sons of Jerusalem” Alarm announcement on his Facebook account:



331. Shalodi subsequently posted images and video on his Facebook accounts of the gathering and rioting of Palestinians at the Al-Aqsa mosque that occurred on February 6, 2014.

332. Following the riots at Al-Aqsa, Shalodi and his father were arrested at their home in Silwan on February 12, 2014; Shalodi was released after 20 days.

333. Following the kidnapping and search for the three murdered boys in June 2014, HAMAS again began to raise the level of incitement it disseminated and to accelerate the number of attacks that its operatives carried out against Israelis and Jews.

334. For example, as mentioned above, on June 13, 2016, the day after the two HAMAS Kidnappers kidnapped and murdered the three boys, official HAMAS spokesman Husam Badran used Facebook to call on Palestinians across the West Bank to hold “mass confrontations” against Israelis.

335. Shalodi used Facebook to follow the developments after the kidnapping of the three boys, and posted pictures and statements in support of the kidnappers, for example:



336. Similarly, on June 19, 2014, HAMAS's PALINFO used Facebook to post a video of a press statement made by official HAMAS spokesman Sami Abu Zuhri ("Abu Zuhri") in Gaza, with following message in Arabic: "#Video Press conference for the #HAMAS movement on the Zionist [Israeli] escalation against the Palestinian People":



337. In the June 19, 2014 video on Facebook, Abu Zuhri stated in Arabic: "The Palestinian Resistance has a legitimate right to do anything necessary to free its land and its holy places, the Palestinian people and their prisoners"; and he stressed: "we have the right to provide assistance to alleviate the suffering of the prisoners, and to work to free them from the Opposition's

[Israel's] prisons.” He also warned that if Israel sends prisoners from the West Bank into Gaza, HAMAS “will unleash the fires of hell on the Occupation [Israel].”

338. HAMAS also began in June to significantly increase missile and mortar attacks from Gaza directed at Israeli civilian population centers, launching more than 60 missiles and mortars in June 2014 as opposed to less than 10 in May 2014, while calling for more violence and rioting by its followers.

339. When HAMAS began using calling for more violence and attacks in July 2014, Shalodi also began posting on Facebook more videos and images of Palestinian rioting, particularly in his home neighborhood of Silwan and in nearby Jerusalem areas.

340. In early July 2014, HAMAS's Quds News Network used Facebook to promote riots that centered around the Jerusalem light rail.

341. The Jerusalem light rail train was a particularly symbolic target of HAMAS and Palestinian riots and violence because it served both Arab and Jewish neighborhoods in Jerusalem, and HAMAS portrayed it as a symbol of Israeli control of Jerusalem.

342. Shalodi and his HAMAS friends also posted pictures on their Facebook accounts promoting destruction of Jerusalem light rail property on social media. For example, Shalodi posted the following picture on one of his Facebook accounts:



343. HAMAS's focus on the Jerusalem light rail continued in the summer and fall of 2014. For example, on September 20, 2014, HAMAS's Shehab News Agency used Facebook to

promote attacks on the Jerusalem light rail train by posting the following picture with the Arabic message: “Panic and escape from the light rail upon being subjected to stone-throwing near the Settlement of French Hill in Occupied Jerusalem and damage to the train”:



344. On October 18, 2014, HAMAS’s Alray News used Facebook to promote attacks on the Jerusalem light rail by posting the following picture with Arabic message: “#Alray | Tens of millions in losses to the Jerusalem ‘light rail’ as a result of escalating confrontations in Jerusalem in recent months”:



345. In October 2014 it was reported that Jerusalem light rail trains were frequently pelted by stones and Molotov cocktails by Palestinians, and that in three months of attacks, 150 trains had been damaged, taken out of service and repaired.

346. Meanwhile, in July 2014, HAMAS's attacks on Israeli civilians skyrocketed. In the first seven days of July 2014, HAMAS launched over 300 missiles and mortars from Gaza directed at Israeli civilian population centers.

347. In addition, HAMAS staged riots and carried out hundreds of violent attacks against Jews in Jerusalem and the West Bank in July 2014, resulting in Israelis being injured by explosive devices, gunfire, and Molotov cocktails.

348. In response to HAMAS's escalating attacks, Israel launched "Operation Protective Edge" on July 8, 2014 to halt the missile fire from Gaza.

349. On July 25, 2014, HAMAS's PALINFO used Facebook to promote car-ramming attacks by posting a video showing a Palestinian terrorist attempt to run into a crowd of Israelis with a car, with the following message in Arabic: "#View the Settlers [Israelis] being injured in a run-over operation at the Gush Etzion Junction north of Hebron":



350. On July 30, 2014, official HAMAS spokesman Fawzi Barhoom appeared on HAMAS's Al-Quds TV and called on Israeli Arabs and Palestinians in Jerusalem and the West Bank to carry out terrorist attacks against Jews as follows:

"Let me say, loud and clear, to our people in the West Bank: Don't you have cars? Don't you have motorcycles? Don't you have knives? Don't you have clubs? Don't you have bulldozers? Don't you have trucks? Anyone who has a knife, a club, a weapon, or a car, yet does not use it to run over a Jew or a settler, and does not use it to kill dozens of Zionists, does not belong to Palestine.



Palestine says loud and clear: Real men are those who avenge the blood of Gaza. Real men are those who avenge the blood of the Gaza Strip. Real men will not sleep until they have avenged the blood of Gaza.

To our people within the Green Line [Israeli Arabs], we say: It is time for you to declare a new phase in this struggle. Political and social considerations are worthless. Blood and martyrdom are the only considerations that matter. The Palestinian people has no choice but to wage this battle in Gaza, in the West Bank, in Jerusalem, and in all the cities of occupied Palestine.”

351. On August 4, 2014, a Palestinian terrorist from East Jerusalem named Mohammad Nayef al-Jaabis (“Al-Jaabis”) drove a bulldozer from a construction site into the street in Jerusalem, ran into several Jewish pedestrians and then rammed into a bus and used the bulldozer’s blade to turn the bus over on its side.

352. Al-Jaabis’s attack killed 29-year-old Rabbi Avraham Walz (a father of five children), and injured at least five others, including the Israeli Arab driver of the overturned bus; al-Jaabis was shot by a security officer in the course of the attack and died as a result.

353. HAMAS used Facebook to praise Al-Jaabis’s attack and to call for more violence against Jews and Israelis.

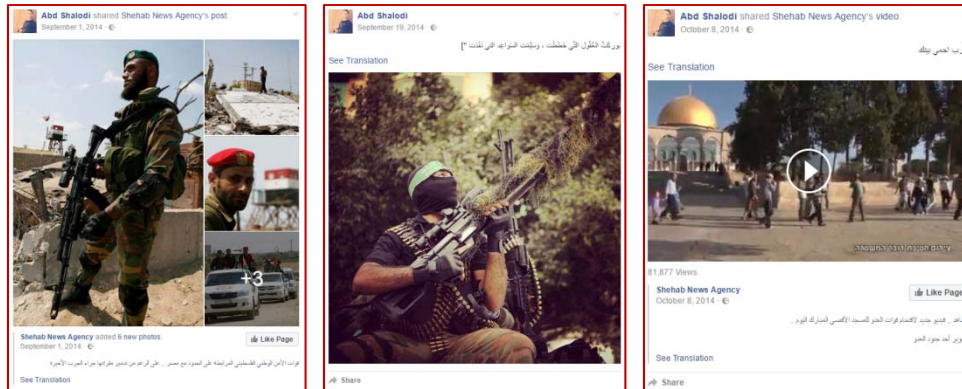
354. For example, on the day of Al-Jaabis’s terror attack, HAMAS’s Shehab News Agency delivered the following statement in Arabic from Official HAMAS spokesman Fawzy Barhoom about the attack: “The Jerusalem Operation is a resistant and courageous act and a natural response to the massacres of the Occupation in Gaza and we call for an escalation of the Resistance in all its forms in all parts of Palestine”:



355. HAMAS also continued to use Facebook to promote Palestinian attacks on the Jerusalem light rail train, and to incite and promote riots and violence against Jews and Israelis by claiming that Al-Aqsa was in danger, and the violence continued through August, September, and October, 2014, and beyond.

356. Throughout the summer and fall of 2014, Shalodi continued to follow HAMAS on Facebook and to post on his own Facebook accounts videos and images of HAMAS and *al-Qassam* Brigades fighters and “martyrs” and riots in Jerusalem and at the Al-Aqsa mosque from HAMAS-affiliated Facebook accounts, for example:





357. On October 6, 2014, Shalodi participated in a massive *Eid al-Adha* (“Festival of the Sacrifice”)<sup>15</sup> feast at the Al-Aqsa mosque, and he posted a picture of the feast on his Facebook page.

358. In the evening on October 8, 2014, Shalodi posted on his Facebook account a video from HAMAS’s Shehab News Agency showing clashes between Palestinian rioters and Israeli soldiers at the Al-Aqsa mosque, and he wrote in Arabic: “Oh Lord protect you house.”

359. On October 10, 2014, Shalodi posted the following ominous graphic of the Al-Aqsa mosque and the Dome of the Rock on Facebook, writing the words of a HAMAS militant song in Arabic, “Journey to Al-Aqsa,”<sup>16</sup> and “good morning”:

<sup>15</sup> The “Festival of the Sacrifice” is an annual feast celebrating the Islamic story of Ibrahim’s willingness to follow Allah’s command to sacrifice Ibrahim’s son, Ishmael.

<sup>16</sup> Shalodi wrote the Arabic phrase “shaddu al-rihal” (lit. “fasten the saddle”), used in the Quran to mean “take a journey,” particularly a religious pilgrimage to three Islamic holy sites, including Al-Aqsa. The phrase was made into a well-known HAMAS militant song widely distributed with videos of HAMAS terrorists on social media. HAMAS has also used the phrase in social media campaigns calling followers to assemble to fight.



360. At about 6:00 p.m. on Wednesday, October, 22, 2014, Shalodi drove a car toward the light rail train's Ammunition Hill station by a Jewish neighborhood in Jerusalem.

361. Just before Shalodi arrived at the station, a light rail train pulled into the station and passengers began to disembark from the train.

362. Among the passengers exiting the train were plaintiffs Shmuel Elimelech Braun and his wife, Chana Braun, with their three-month-old baby daughter, Chaya Zissel Braun ("Chaya"), in a stroller.

363. As the Brauns were walking along the train platform, Shalodi sped the car onto the train station platform and plowed the car into the crowd of pedestrians.

364. Shalodi's car struck three-month-old Chaya's stroller causing her to be thrown from her stroller a distance of about ten meters.

365. Baby Chaya landed on her head on the pavement, and was critically injured.

366. Plaintiff Shmuel Elimelech Braun was also knocked over and badly injured by the car, and plaintiff Chana Braun suffered shock and screamed in horror.

367. Eight other people were also injured, several of them critically.

368. After crashing the car, Shalodi was shot by police as he attempted to flee; he was taken to the hospital and underwent emergency surgery, but did not survive.

369. When rescue personnel arrived, they found that baby Chaya had no pulse and had serious head injuries.

370. The rescue team succeeded in resuscitating baby Chaya and obtaining a pulse, and transported her, connected to a ventilator and in critical condition, to the nearby Hadassah Mount Scopus hospital.

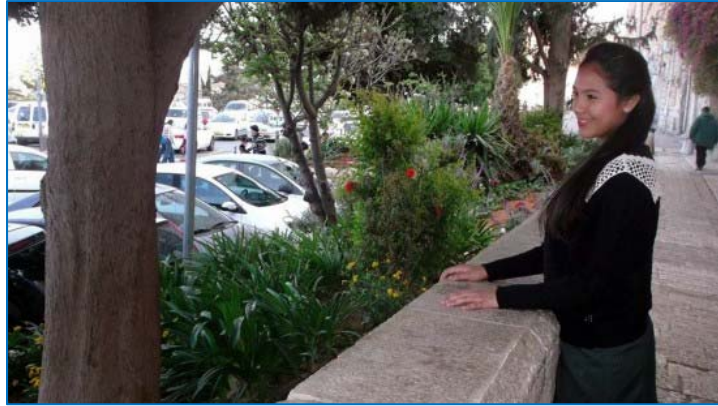
371. Tragically, baby Chaya's life could not be saved; she was pronounced dead about two hours after her arrival at the hospital.

372. Baby Chaya was buried in Jerusalem that night at midnight; hundreds of people attended her funeral, including Israeli President Reuven Rivlin and Jerusalem Mayor Nir Barkat.

373. The following is a picture of Baby Chaya:



374. Another victim who was critically injured in the attack at the Jerusalem light rail station that day was 22-year-old Karen Yemima Mosquera ("Karen"). Karen had come from Ecuador about a year-and-a-half earlier to study Judaism, and was on her way to a Torah lesson at the time of the attack. Sadly, on Sunday, October 26, 2014, Karen died from the injuries she sustained in the attack.



375. At the time of the attack, the Braun family of three was just returning from baby Chaya's first visit to the Western Wall.<sup>17</sup>

376. Baby Chaya had been a long awaited child for the young parents – plaintiffs Shmuel Elimelech and Chaya Braun – who had tried to conceive unsuccessfully for a long time before baby Chaya was born.

377. Plaintiff Chana Braun suffered psychological and emotional harm from the attack.

378. Plaintiff Chana Braun was happily walking with her husband and new baby when the HAMAS terrorist's car struck; one moment she was enjoying her husband and darling child; the next moment her husband was injured and her baby daughter was smashed to the ground, obviously critically wounded.

379. Plaintiff Shmuel Elimelech Braun suffered severe physical injuries as well as psychological and emotional harm as a result of the attack.

380. Plaintiff Shmuel Elimelech Braun was injured by the speeding car and he saw his baby daughter being thrown ten meters from her stroller and landing on her head unconscious.

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<sup>17</sup> The Western Wall (known as "*HaKotel HaMa'aravi*" in Hebrew) is an ancient wall in the Old City of Jerusalem that is considered holy by Jews as a remnant of the site where the Second Jewish Temple stood until it was destroyed by the Romans nearly 2,000 years ago.



381. Baby Chaya's grandparents, plaintiffs Shimshon Sam Halperin, Sara Halperin, Murray Braun, and Esther Braun, learned of the attack shortly after it occurred.

382. The two sets of grandparents were devastated by the news and were thrown into a state of severe emotional turmoil.

383. They were crushed to hear that their granddaughter had been so cruelly murdered and were horrified over the injuries to their children.

384. The grandparents all suffered psychological and emotional harm as a result of the attack in which their son and daughter were seriously injured and their baby granddaughter was brutally murdered.

385. HAMAS has used Facebook to publicly praise the attack and to glorify Shalodi as a "Martyr" and "Hero" and to encourage more terror attacks against Jews and Israelis.

386. For example, on Wednesday, October 22, 2014, the day of Shalodi's terror attack, HAMAS's Safa Press Agency used Facebook to attempt to justify the attack by claiming that the attack was carried out in retaliation for the death of five-year-old Einas Khalil ("Khalil").<sup>18</sup> Safa Press Agency thus posted the following pictures of Khalil with the Arabic message: "Jerusalem [Al-Quds] revenge for West Bank. The youth Al-Shalodi's operation came two days after an Israeli Settler killed the child Einas Khalil (5 years) and injured her classmate at Sinjil north of Ramallah when they were returning from kindergarten":

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<sup>18</sup> Khalil and another five-year-old girl walking home from kindergarten were struck by a car driven by an Israeli driver near the Palestinian town of Sinjil in the West Bank on October 19, 2015. Khalil was taken to the hospital and treated, but did not survive. The driver told police he did not stop at the scene because he feared for his life due to the crowd that gathered around the injured girls, and he stopped at the nearest Jewish community and reported the accident and turned himself in to police.



387. The next day, October 23, 2014, HAMAS's Safa Press Agency posted the following tribute to Shalodi and pictures of Shalodi with Khalil and his uncle Sharif, and of the scene of Shalodi's terror attack:



388. HAMAS's *al-Qassam* Brigades also used Facebook to praise him by posting the following picture (an image from Shalodi's Facebook account taken several years earlier) with the Arabic statement: "Picture of the Hero Martyr who executed the Jerusalem operation of running over the Settlers / Abdulrahman Al-Shalodi":





389. The same day, HAMAS's "Brotherhood School" used Facebook to issue the following lengthy tribute to Shalodi on behalf of HAMAS and bearing the HAMAS emblem. The post praised Shalodi's terror attack and called on "the masses of the Palestinian People" to escalate the violence against Israelis in many places and using "all means and instruments":



390. Also on October 23, 2013, HAMAS's Safa Press Agency used Facebook to praise Shalodi as a "Martyr" and falsely portray him as a victim by posting the following video of Shalodi after he was shot at the scene of the attack, and emphasizing Shalodi's raised index finger (interpreted by Safa as a gesture of Muslim faith):



391. The Al-Quds International Institution (designated as an SGDT since October 2012 for being controlled by, acting for or on behalf of, and providing financial support to HAMAS) also used Facebook to glorify Shalodi by posting a similar picture of Shalodi after he was shot at the scene of the attack accompanied by verses in Arabic from the Quran as follows:

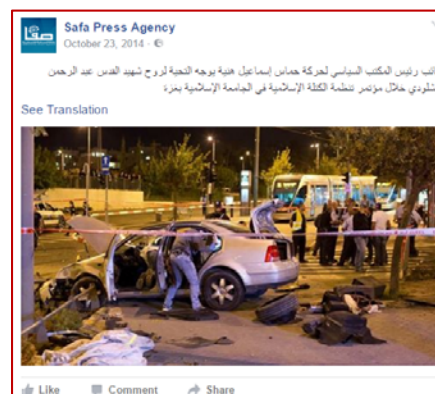
“Do not think that those who are killed in the cause of Allah are dead; they are alive with their lord, enjoying his bounty (169). They rejoice in what Allah has bestowed upon them of His Bounty, rejoicing for the sake of those who have not yet joined them, but are left behind [not yet martyred] that on them no fear shall come, nor shall they grieve (170). They rejoice in a Grace and a Bounty from Allah, and that Allah will not waste the reward of the believers (171). The truth of Allah Almighty.. Abdulrahman Al-Shalodi is a Martyr”:



392. Likewise, official HAMAS spokesman Abdul Rahman Shadid used Facebook to praise Shalodi with the Arabic message: “Blessed are you, the Martyr, O Abdulrahman . . . you did not lack in measure in your defense of Al-Aqsa, which others dominate it and it is helpless”:



393. HAMAS’s Safa Press Agency also posted the following picture from the scene of Shalodi’s terror attack and delivered the following message from HAMAS in Arabic: “Vice-President of the Political Bureau of HAMAS Ismail Haniyeh paid tribute to the spirit of the Heroic Jerusalem Martyr Abdul Rahman Al-Shalodi during a conference organized by [HAMAS’s] Islamic Bloc at the Islamic University in Gaza”:



394. Also on October 23, 2014, HAMAS’s Shehab News Agency used Facebook to glorify Shalodi by posting a video consisting of a single picture of Shalodi accompanied by a seven-minute audio of an Arabic chant, described by the Shehab News Agency as: “A beautiful eulogy of the Martyr Abdulrahman Al-Shalodi who executed the Jerusalem operation of running

over the Settlers.” The video was viewed approximately 94,000 times, received approximately 6,000 “likes” by Facebook users, was shared by more than 2,200 Facebook users, and received more than 400 comments in Arabic praising Shalodi:



395. HAMAS also used Facebook to generate sympathy for Shalodi after his death. For example, on October 27, 2014, HAMAS’s used Facebook to post the following pictures of Shalodi’s body in a burial shroud and of his mother at his funeral, both referring to Shalodi as a “Martyr”:



396. Two weeks after Shalodi’s terror attack, HAMAS terrorist Ibrahim al-Akkari (“al-Akkari”) carried out another vehicular terror attack at a Jerusalem light rail station on Wednesday, November 5, 2014. Al-Akkari drove his car at a high speed into a crowd of Israelis along the rail

station tracks and continued onto a sidewalk. After crashing his car, al-Akkari jumped out a began attacking Israelis with a metal bar. As he continued his attack, he was shot by police and died.

397. In his terror attack, Al-Akkari murdered Chief Inspector Jidan Assad, a 38-year-old Israeli Druze police officer, and 17-year-old Shalom Aharon Badani, a Jewish religious student.

398. HAMAS used Facebook to praise al-Akkari's terror attack and to call for more attacks; for example, HAMAS's Quds News Network and Shehab News Agency posted the following pictures on Facebook, both calling al-Akkari a "Martyr":



399. HAMAS's Felesteen also used Facebook to praise al-Akkari as "Martyr" and reposted a message from his Facebook account in which he wrote in Arabic: "Today, Shame upon those who are able to come to the Al-Aqsa Mosque but dot not pray within it":



400. Indeed, al-Akkari had also closely followed the HAMAS-controlled Al-Aqsa International Institution on Facebook, and had reposted its October 23, 2014 Facebook post honoring HAMAS terrorist Shalodi as a Martyr on his own Facebook account:



401. On the same day as al-Akkari's terror attack, November 5, 2014, HAMAS's Safa Press Agency used Facebook to encourage more vehicular attacks by posting the following "caricatures," adding the Arabic message "The Jerusalem Operation" to the cartoon of the "Al-Aqsa" car, and the Arabic message "Strongest Weapon Champ" to the "ammunition magazine" accelerator:



402. Later that same night, at about 10:00 p.m. on Wednesday, November 5, 2014, another Palestinian terrorist carried out a third vehicular terror attack driving his car into pedestrians at the Gush Etzion Junction on Highway 60, injuring three Israelis.

**C. The 2015-2016 “Wave of Terror”**

403. In the summer and fall of 2015, HAMAS leaders again conspired to increase terror attacks against Israelis.

404. In order to implement their plans, HAMAS again used Facebook as an essential means of messaging, communicating, and making personnel available (both leaders and operatives) to call for and carry out such attacks.

405. In September 2015, HAMAS again used Facebook to spread false claims that the Al-Aqsa Mosque in Jerusalem was under attack by “Jews” and “Zionists” in an effort to stoke hatred and anger toward Jews and Israel and generate support for a new wave of violence and terrorism.

406. As HAMAS members rioted on the Temple Mount, HAMAS used Facebook to call for Palestinians to defend Al-Aqsa and Jerusalem against Jews and Israelis.

407. For example, on Sunday, September 6, 2015, HAMAS used Facebook to promote a rally of thousands of followers of the Islamic Movement and HAMAS called the “Al-Aqsa is in Danger” festival in the town of Umm al-Fahm the following Friday.

408. HAMAS also used Facebook to disseminate pictures, messages, and speeches from the “Al-Aqsa is in Danger” festival held in Umm al-Fahm to incite Muslims against Jews and Israel using the Al-Aqsa Mosque as a pretext.

409. In addition, HAMAS used Facebook to incite hatred and call for days of “Rage” on which its followers were to carry out and intensify their violence against Jews and Israelis.

410. For example, during the second week of September 8, 2015, HAMAS’s PALDF and other HAMAS affiliates used Facebook to promote more violence against Jews by calling for a “Friday of Rage” on September 11, 2015 to “support the Al-Aqsa Mosque and avenge the blood



of the martyr Riham Dawabsheh,”<sup>19</sup> and also using the Arabic slogans “Al-Aqsa is for Muslims Alone” and “[Al-Aqsa] Will Not Be Divided.”

411. On Saturday, September 12, 2015, HAMAS’s PALDF used Facebook to promote coordinated violent attacks against Jews and Israelis by posting a summary of the number, kinds, and locations of violent attacks carried out by Palestinians against Jews and Israelis by the Palestinian “Resistance” as part of HAMAS’s “Day of Rage” on the previous day, Friday, September 11, 2015, as follows:

“#HereWeAre\_O\_Aqsa  
Harvest of the Resistance for #FridayOf\_Rage 11/09/2015 [11 September 2015]

Throwing an Explosive Device at the [Jewish] Settlement of Beit El,  
Throwing Molotov cocktails during clashes in Tur and Ras al-Amud and Silwan  
and Bethany,  
And attacked Settlers’ cars with rocks near Halhul and Husan and the [Jewish]  
Settlement of Yitzhar and Beit Furik,  
And clashes in Tur and Ras al-Amud and Silwan and Al-Ram and Al-Eizarya  
[Bethany] and Anata and Al-Ma’sara and Tekoa and the Jalazoun camp, Ofer camp,  
Nabi Saleh, Bil’in, Turmus’ayya, Ni’lin, Silwad and Duma and Kafr Qaddum.

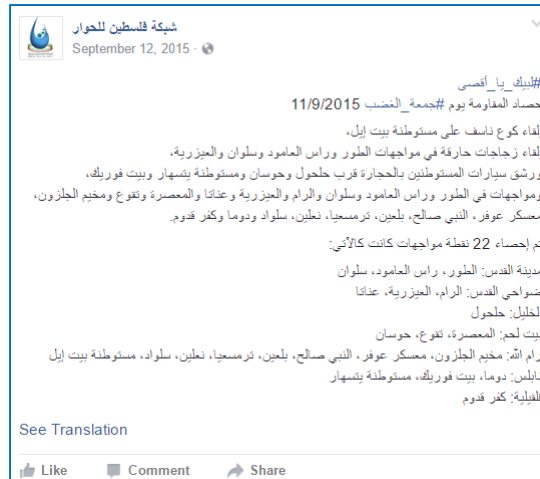
Total count of 22 points of confrontations were as follows:

City of Jerusalem: Tur, Ras al-Amud, Silwan  
Outskirts of Jerusalem: Al-Ram, Al-Eizarya [Bethany], Anata  
Hebron: Halhul  
Bethlehem: Al-Ma’sara, Tekoa, Husan  
Ramallah: the Jalazoun camp, Ofer camp, Nabi Saleh, Bil’in, Turmus’ayya, Ni’lin,  
Silwad, the [Jewish] Settlement of Beit El  
Nablus: Duma, Beit Furik, the [Jewish] Settlement of Yitzhar  
Qalqilya: Kafr Qaddum”:

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<sup>19</sup> On July 31, 2015, the Dawabsheh family home in the village of Duma was burned in an arson attack believed to have been carried out by a Jewish perpetrator. Eighteen-month-old Ali Dawabsheh died in the fire. Sa’ed Dawabsheh, died of his wounds from the fire on August 8, 2015, and his wife, Riham Dawabsheh, died of her wounds from the fire on Monday, September 7, 2015. Four-year-old Ahmed Dawabsheh survived the fire but suffered severe burns over most of his body.





412. On Sunday, September 13, 2015, HAMAS leader Mushi al-Masri, an official HAMAS spokesman and MP, posted a series of posts (including photos, cartoons, and video) on his Facebook page claiming that the Al-Aqsa Mosque was under attack by “Zionists,” and calling for Muslims to defend and liberate Al-Aqsa. These posts included the following:



413. That same day, HAMAS’s PALDF also used Facebook to incite religious hatred against Jews and Israel by posting pictures of destruction within the Al-Aqsa Mosque caused by Palestinian rioters and calling for more violence.

414. On the night of September 13, 2015, HAMAS followers threw stones at an Israeli car from an overpass in the Armon HaNatziv neighborhood of Jerusalem; one of the stones shattered the car’s windshield and caused the driver to lose control of the car and crash into a pole.

415. The driver of the car, Alexander Levlovitz, a 64-year-old Israeli grandfather and resident of Jerusalem, died as a result of the crash, and his two daughters who were riding with him in the car were also seriously injured.

416. That same night, HAMAS operative Yaseen Izz El-Deen used Facebook to post a summary of the number, kinds, and locations of violent attacks carried out by Palestinians against Jews and Israelis by the Palestinian “Resistance” as part of HAMAS’s violent activity on Sunday, September 13, 2015, including the murder of Levlovitz, as follows:

“#HereWeAre\_O\_Aqsa #WillNotBe\_Divided  
Harvest of the Resistance for Sunday 13/09/2015 [13 September 2015]

Killing a Settler and injuring at least seven Zionists as follows:

Settlers were struck and barraged with stones near *bab al-asbat* [the Lion’s Gate], and Settlers at a bus were barraged with stones in the area of the Western Wall, and injuring two when their car was stoned and overturned near Al-Fawwar Camp, and injuring two soldiers in clashes in Issawiya, and injuring two when their car was stoned and overturned near Sur Baher and one of them is deceased having died afterwards from his injuries.

Throwing Molotov cocktails and fireworks in clashes at Al-Aqsa Mosque and Silwan and Issawiya and Ras al-Amud, and at the Settlement of Armon Hanatziv and at Jabel Mukaber.

Throwing stones at vehicles of Settlers in the area of the Western Wall and near Hizma and the Al-Far’a Camp and Sur Baher.

Clashes in all of the Al-Aqsa Mosque and the Old City in Jerusalem and Silwan and Issawiya and Ras al-Amud and Tur and Abu Dis and Al-Eizarya [Bethany] and Al-Ram and Anata and Yatta and Beit Jala and the City of Jenin and Jenin Camp.

Total count of 19 points of confrontations were as follows:

The City of Jerusalem: the Al-Aqsa Mosque, the Old City, the area of the Western Wall, Silwan, Issawiya, Sur Baher, Ras al-Amud, Jabel Mukaber, Tur

The outskirts of Jerusalem: Abu Dis, Al-Eizarya [Bethany], Hizma, Al-Ram, Anata  
Hebron: Al-Fawwar Camp, Yatta

Bethlehem: Beit Jala (Bir Onah)

Jenin: Jenin Camp, City of Jenin”:



417. Police subsequently arrested four Arab terrorists who admitted that they carried out the attack that killed Levlovitz; the terrorist who threw the stone that shattered the car's windshield told police that he was wearing a HAMAS flag at the time, which he received at the "Al-Aqsa in Danger" rally held by the Islamic Movement and HAMAS.

418. HAMAS continued to use Facebook to call for violence and days of "Rage" against Jews and Israel.

419. HAMAS subsequently used Facebook to praise the resulting riots and violence and to encourage even more violence against Jews and Israel.

420. On Monday night, September 21, 2015, a Palestinian terrorist named Diyaa Abdul Talahmeh attempted to throw a grenade at Israeli soldiers in Hebron, but the grenade exploded prematurely and killed Talahmeh.

421. HAMAS declared Talahmeh a martyr and used Facebook to promote more terrorist acts against Jews and Israelis.

422. For example, on Tuesday, September 22, 2015, the day of Talahmeh's funeral, HAMAS's PALINFO used Facebook to praise Talahmeh as a "Hero Martyr" and post a video of Talahmeh shouting into a microphone the following message in Arabic to a crowd of Palestinian men:

“With the permission of Allah ... we will be leaders of the *mujahedeen* [holy warriors]. We will be leaders of the revolution and we will arrive in Jerusalem. [Palestinians] are in the diaspora. We will return to our homeland, to [the Israeli cities of] Haifa, to Jaffa, to Acre, to Safed; we will return with Allah’s permission.”

423. HAMAS and its affiliates used Facebook to honor Talahmeh, calling him a “Martyr” and disseminating pictures of him in his burial shroud.

424. Also on September 22, 2015, a 19-year-old Palestinian woman dressed in full niqab clothing, Hadeel al-Hashlamon (“al-Hashlamon”), approached an Israeli soldier, pulled out a knife, and attempted to stab him. In response, she was shot and killed.

425. That same day, HAMAS used Facebook to falsely portray al-Hashlamon as a martyr killed for wearing an Islamic veil.

426. For example, on September 22, 2015, HAMAS leader Mushi al-Masri used Facebook to post the following pictures with the Arabic message: “The Martyr Hadeel al-Hashlamon Martyr of the veil. Our sister . . . your blood is the title. The Jews of Bani Qaynuqai will disappear soon God willing”<sup>20</sup>:



<sup>20</sup> In Islamic lore, the Jews of Bani Qaynuqai were expelled from Medina in 624 because of their rebellion against the Constitution of Medina following an incident in which a Jewish jeweler pinned a Muslim woman’s clothing in such a way that she was stripped naked when she stood up.

427. Also on September 22, 2015, HAMAS spokesman Izzat al-Risheq used Facebook to post the following graphics with the Arabic hashtags “#Hadeel\_Hashlamon” and “#MartyrOfThe\_Niqab [veil],” claiming that Hashlamon was killed because she refused to remove her veil:



428. Neither al-Masri nor al-Risheq disclosed that Hashlamon had drawn a knife and attempted to stab an Israeli soldier at the time she was shot; rather, HAMAS later falsely claimed that the knife found at the scene was a fabrication of the Israelis.

429. On Thursday, October 1, 2015, HAMAS terrorists murdered a young couple, Rabbi Eitam and Na'ama Henkin, in a brutal roadside shooting attack on their vehicle while they were driving home from a social gathering with their four young children in the back seat.

430. That same day, HAMAS used Facebook to praise the murder of the Henkins.

431. For example, on October 1, 2015, HAMAS operative Yaseen Izz El-Deen used Facebook to post an Arabic “harvest” summary report of HAMAS’s violent activities for that day, which included the murder of the Henkins, and he also used Facebook to post a detailed commentary on the “operation” that killed the Henkins, noting that “such operations require weeks of planning.”

432. The next day, October 2, 2015, HAMAS leader Mushi al-Masri also used Facebook to praise the Henkin attack as a “heroic operation” and as a “natural response to the crimes of the

enemy the Judaization of al-Aqsa and the burning of the Dawabsheh family and the murder of the girl al-Hashlamon,” as follows:



433. Indeed, the Henkins’ murder marked the beginning of a new intense wave of terror attacks in Israel, which were carried out both by terrorist operatives and by individuals who were incited and encouraged by HAMAS via Facebook to conduct such attacks.

434. These terror attacks were carried out by young Palestinians and Arabs, with one of the youngest attackers being just thirteen years old.

435. The weapons of choice for these murders have been knives and cars, with guns, axes, meat cleavers and screw drivers also being used.

436. HAMAS has used Facebook to openly incite and encourage these attacks, and to praise the terrorists who have carried them out. This wave of violence has been variously labeled as a new “Al Aqsa Intifada,” as the “Knife Intifada,” and as the “Facebook Intifada.”

437. From the beginning of October 2015 through March 14, 2016, Palestinian and Arab terrorists, including many HAMAS operatives, murdered more than 30 Israelis, and injured more than 400 Israelis.<sup>21</sup>

438. These attacks have been part of a terror campaign driven by HAMAS’s use of Facebook and other social media to incite, enlist, organize, and dispatch would-be killers to “stab” and “slaughter Jews.”

<sup>21</sup> See <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Wave-of-terror-October-2015.aspx>.

439. This campaign has been directed by HAMAS, as well as other terrorist organizations and the Palestinian leadership.

440. HAMAS has taken advantage of the fact that so many young Palestinians use Facebook, as evidenced by the fact that many of the Palestinians who carry out attacks post their thoughts and intentions about attacks before they carry them out.

441. Palestinian young people are inundated on HAMAS-related Facebook accounts with gruesome images of terrorists deemed “martyrs” by HAMAS, and HAMAS often falsely portrays the terrorists as victims rather than aggressors.

442. For example, a few days before October 3, 2015, 19-year-old Palestinian terrorist Muhannad Halabi (“Halabi”) changed his Facebook profile to a picture of Diyaa Talahmeh in a burial shroud; Talahmeh was the terrorist who had died in September 2015 when a grenade prematurely exploded as he attempted to throw it at Israeli soldiers.

443. On Saturday night, October 3, 2015, Halabi carried out a stabbing attack in the Old City of Jerusalem, stabbing and murdering 22-year-old Israeli Aharon Banita-Bennet, who was walking with his wife and two small children to pray at the Western Wall.

444. Halabi also stabbed and injured Banita-Bennet’s wife and 2-year-old son, and stabbed and murdered Rabbi Nehemia Lavi (a father of seven children), who had heard screams and come to help the Banita-Bennet family; Halabi was shot by police at the scene and died.

445. HAMAS used Facebook to glorify Halabi as a martyr and encourage more attacks.

446. For example, HAMAS leader Mushi al-Masri used Facebook to glorify Halabi by posting the Arabic message: “Peace to your soul in the eternity, O Hero .. ‘I have won by the Lord of the Kaaba’<sup>[22]</sup> .. Martyr *Mujahid* [Holy Warrior]: Muhannad al-Halabi.”

447. HAMAS also used Facebook to disseminate screen clips from Halabi’s posts on his Facebook page, including a message to Palestinian President Mahmoud Abbas calling for armed conflict against Israel, and a statement he wrote shortly before his attack advocating an intifada: “As far as I can see, the third intifada has begun . . . What is being done to Al-Aqsa is also being done to our other holy sites. What is being done to the women of Al-Aqsa is also being done to our mothers and sisters. I do not think the [Palestinian] people will accept the humiliation . . . The Palestinian people will wage an intifada. In fact, it is waging an intifada.”

448. Soon after Halabi’s attack, another Palestinian terrorist, 19-year-old Fadi Aloon (“Aloon”) from the East Jerusalem neighborhood of Issawiya, carried out another stabbing attack during the same night.

449. Aloon stabbed a 15-year-old Jewish boy in the chest and back as the boy was on his way to pray at the Western Wall; as Aloon attempted to flee the scene Aloon was shot by police and died.

450. HAMAS used Facebook to honor Aloon as a “Martyr” and publicize a Facebook post Aloon had written shortly before he carried out the terror attack, which stated: “In the name of Allah the most gracious the most merciful. It is my intention to die as a Martyr or to be victorious for the sake of Allah. Allah will forgive all the faithful Muslims. From now on I intend to return

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<sup>22</sup> In Islamic lore, when the son-in-law of the Prophet Muhammed was mortally struck by a poison sword while in prayer, he called out, “I have won, by the Lord of the Kaaba”; his statement is understood as an expression of satisfaction that he had achieved his desire to die a martyr [Shaheed].



to Islam, with the help of Allah I intend to follow the path of Islam and die as a Martyr. Allah is Great.”

451. On October 6, 2015, after the perpetrators of the murder of the Henkins were arrested, HAMAS used Facebook to glorify the terrorists and their actions and to call for more attacks.

452. On Wednesday, October 7, 2015, 18-year-old female Palestinian terrorist Shorouq Dwayyat (“Dwayyat”) stabbed a Jewish man in the Old City of Jerusalem; Dwayyat was subsequently shot, and Dwayyat and her victim were both transported to the hospital and survived.

453. HAMAS used Facebook to falsely portray Dwayyat as the victim, by falsely claiming that she was shot when a Jewish man tried to take off her *hijab* (Muslim veil).

454. HAMAS also used Facebook to glorify Dwayyat by posting a copy of the message she wrote on her Facebook page shortly before going to carry out the attack, which read: “Mother, where am I going? Mother, I am going to be a martyr [shaheeda]. Our greatest aspiration is to die as a martyr for the sake of Allah.”

455. That same day, October 7, 2015, 18-year-old Palestinian terrorist Amjad Al-Jundi (“Al-Jundi”) stabbed an Israeli soldier in Kiryat Gat, took the soldier’s rifle, and then entered a residential building and attempted to shoot an Israeli woman in her apartment; police arrived and shot Al-Jundi, who died at the scene.

456. HAMAS used Facebook to attempt to evoke sympathy for Al-Jundi and falsely portray him as the victim, by posting pictures of his death and claiming that he was “executed” by “Occupation forces,” while also calling him a “Martyr” and “Hero” who “carried out the heroic stabbing operation in Kiryat Gat.”

457. In yet another terror attack on October 7, 2015, 25-year-old Palestinian terrorist Tamer Vareidat (“Vareidat”) attacked Israelis with a knife at a shopping mall in Petach Tikva, wounding one person; Vareidat’s knife broke in the course of the attack and he was apprehended by police.

458. HAMAS used Facebook to praise Vareidat’s terror attack as well.

459. On Thursday, October 8, 2015, four Palestinian terrorists carried out four separate stabbing attacks in Israel:

- a. An unknown Palestinian terrorist stabbed and seriously wounded an Israeli in Kiryat Arba, and then escaped;
- b. Nineteen-year-old Palestinian terrorist Ta’er Abu-Ghazala stabbed and injured four Israelis with a screwdriver in Tel Aviv;
- c. Twenty-year-old Palestinian terrorist Tareq Yahya stabbed an Israeli soldier twice in his chest in Afula; and
- d. Nineteen-year-old Palestinian terrorist Subhi Abu Khalifa stabbed and seriously injured a Jewish religious student near a light-rail train station in Jerusalem.

460. HAMAS used Facebook to praise each of these attacks and call for more.

461. On Friday, October 9, 2015, Palestinian terrorist Younes Abu Zuweid stabbed a 16-year-old Jewish boy in Jerusalem.

462. Also on October 9, 2015, Palestinian terrorist Mohammad al-Jabari stabbed a police officer in Kiryat Arba and attempted to grab the officer’s gun.

463. HAMAS used Facebook to praise these attacks and call for more.

464. On Saturday, October 10, 2015, 16-year-old Palestinian terrorist Ishak Badran (“Badran”) stabbed two Jewish men in their sixties in Jerusalem and then attacked police officers; Badran was shot by police and died.

465. That same day, October 10, 2015, 19-year-old Palestinian terrorist Muhammad Saed Ali (“Ali”) stabbed two police officers near the Damascus Gate in Jerusalem; Ali was shot by police and died.

466. HAMAS used Facebook to praise these attacks and call for more.

467. For example, HAMAS used Facebook to call Ali a “Martyr” and disseminate pictures and videos described by HAMAS as showing Ali “as he executes the stabbing operation in Jerusalem on Saturday, which left dead a Zionist and a number of wounded.”

468. Also on October 10, 2015, HAMAS leader Mushi al-Masri used Facebook to incite more stabbing attacks, by posting a video of his speech at a rally in Khan Yunis in which he called upon all Palestinian factions to “join the Al-Quds Intifada.” In the video of his fiery Khan Yunis speech, al-Masri brandished a knife and shouted in Arabic: “This is our choice! The knife symbolizes the battle of the West Bank and Jerusalem!” The video was posted to al-Masri’s Facebook page with the Arabic message: “In the Khan Yunis rally. We have brought slaughter upon you. We will disperse you. Just wait, O Sons of Zion [Jews]”:



469. Also on October 10, 2015, HAMAS's Islamic Bloc student wing for the Jabaliya Camp in Gaza used Facebook to promote the wave of stabbing terror attacks against Jews in Israel by changing its Facebook profile photo to the following graphic of a Palestinian terrorist making music with a key and a knife:



470. HAMAS leader Mousa Abu Marzook, a deputy head of Hamas's Politburo who has been a designated SDGT since 2003, often uses his Facebook account to explain HAMAS's positions. On Sunday, October 11, 2015, Abu Marzook used Facebook to explain why Hamas had decided to refrain from launching rockets into Israel in support of the "Intifada" raging against Israel, despite the fact that many followers had urged HAMAS to do so, writing as follows: "The Intifada will go by without us winning the battle of missiles, and [launching missiles] will only portray us as aggressors and them as victims in the eyes of the world."

471. Also on October 11, 2015, female Palestinian terrorist Israa Jabees ("Jabees") from Jabel Mukaber set off an explosion in her car when she was stopped en route to Jerusalem by an Israeli police officer; Jabees had hand-written notes on her person expressing support for "martyrs" and had been on her way to carry out a major terror attack in Jerusalem.

472. Later on October 11, 2015, 20-year-old Israeli Arab terrorist Ala Mhamed Zwid ("Zwid") from Umm al-Fahm deliberately rammed his car into two Israelis at a bus stop near Hadera, injuring both of them; Zwid then jumped out of his car and stabbed and critically wounded

one of the injured Israelis (a 19-year-old female), and then stabbed two other Israelis, aged 15 and 45.

473. HAMAS used Facebook to praise these attacks and call for more.

474. On Monday, October 12, 2015, HAMAS's "Palestine Plus" used Facebook to promote violence against Jews and Israelis by posting the following cartoon graphic with the Arabic message, "What was taken by force can only be restored by force," and the hashtag "#Al-Quds\_Intifada":



475. On Monday, October 12, 2015, 18-year-old Palestinian terrorist Mustafa Adel al-Khatib ("al-Khatib") from Jabel Mukaber stabbed an Israeli police officer in his police vest near the Lions Gate of the Old City of Jerusalem; in the process, Al-Khatib was shot by police and died.

476. Also on October 12, 2015, HAMAS's "Palestine Plus" used Facebook to generate sympathy for violent Palestinian rioters by posting the following photograph with the Arabic message, "#Image of the wounded of the day's events in East Gaza by the Israeli Occupation":



477. Also on October 12, 2015, HAMAS's "Palestine Plus" used Facebook to post the following graphic with the Arabic caption "Al-Quds Intifada," and hashtags "#Palestine\_RiseUp" and "#Al-Quds\_Intifada":



478. The same day, October, 12, 2015, 18-year-old female Palestinian terrorist Farah Bakir ("Bakir") stabbed an Israeli police officer at Ammunition Hill in Jerusalem; Bakir was shot by police in the process, but was taken to a nearby hospital and treated and survived.

479. HAMAS used Facebook to praise these attackers and incite more terror attacks.

480. Later in the afternoon of October 12, 2015, two Palestinian cousins, 15-year-old Hassan Khaled Manasra ("Hassan Manasra") and 13-year-old Ahmed Saleh Manasra ("Ahmed Manasra") from Beit Hanina, stabbed and seriously wounded a 28-year-old Israeli man in the Jerusalem neighborhood of Pisgat Ze'ev, and then chased and stabbed a 13-year-old Israeli boy who was riding his bicycle, critically wounding him.

481. Hassan Manasra subsequently charged toward police attempting to stab them, but he was shot and died.

482. After the stabbings, Ahmed Manasra attempted to run and flee the scene, but he was hit by a car.

483. Ahmed Manasra was treated at an Israeli hospital and survived; he later told investigators that his cousin supplied the knives and that they had gone to Pisgat Ze'ev together "to stab Jews."

484. HAMAS used Facebook to incite hatred and anger against Jews and Israelis by portraying Ahmed Manasra as the victim and promoting a false narrative that Ahmed Manasra had been shot and killed by an Israeli soldier.

**1. The Murder of Richard Lakin: October 13, 2015**

485. On the morning of Tuesday, October 13, 2015, HAMAS terrorists Bahaa Allyan ("Allyan") and Bilal Abu-Ghanem ("Ghanem"), one armed with a knife and the other with a gun, boarded Jerusalem Bus number 78 in Jerusalem's Armon Hanatziv neighborhood and began shooting and stabbing the passengers (the "Bus 78 Attack").

486. The two terrorists locked the doors of the bus to prevent passengers from escaping and police from boarding the bus; when Ghanem (the gunman) ran out of bullets, he attempted to strangle another passenger.

487. In the attack, the HAMAS terrorists murdered 78-year-old Israeli Haim Haviv and 51-year-old Israeli Alon Govberg, and injured at least 16 others.

488. In the course of the attack, Allyan was shot by police and died; Ghanam was ultimately subdued and arrested.

489. Among those critically injured in the Bus 78 Attack was 76-year-old Richard Lakin, a grandfather of eight and the father of Plaintiffs Micah Lakin Avni and Manya Lakin.

490. Richard Lakin suffered severe injuries in the attack, and was taken to the hospital in critical condition.

491. Richard Lakin had been shot in the head and stabbed multiple times in the chest and face during the Bust 78 Attack.

492. Richard Lakin remained in a medically induced coma and underwent multiple emergency surgeries during the two weeks following the attack in an effort to save his life.

493. Sadly, Richard Lakin succumbed to his injuries and died two weeks after the attack, on October 27, 2015.

494. Richard Lakin was a former principal at Hopewell Elementary School in Glastonbury, Connecticut, who taught English to Jewish and Arab students in Jerusalem.

495. Richard Lakin was also the author of two books, including a book entitled, “Teaching as an Act of Love: Thoughts and Reflections of a Former Teacher, Principal and Kid.”

496. The following is a picture of Richard Lakin:



497. Plaintiffs Micah Lakin Avni and Manya Lakin were devastated by the brutal attack on their father, which left him in a coma for two weeks, and by his subsequent untimely death. They suffered severe psychological and emotional harm as a result of the attack.

498. After Ghanam was arrested, he did not express regret for his actions, but instead told investigators that he and Allyan were angry about events surrounding the Al-Aqsa Mosque and at “Settlers for murdering Palestinian children.”



499. Ghanam also told investigators that Allyan told him that Allyan had obtained 20,000 NIS (New Israeli Shekels) to carry out an attack against Jews.

500. After the Bus 78 Attack, investigators found that Allyan had posted a “martyr’s will” on his Facebook account in December 2014. HAMAS used Facebook to repost Allyan’s “martyr’s will” various HAMAS-related Facebook accounts to idealize Allyan and encourage more attacks.

501. It was also discovered that Allyan had posted on his Facebook page photographs Palestinian terrorists lying dead in puddles of blood after being shot dead in the course of their attacks. On October 4, 2015, Allyan had complained on his Facebook page that his hometown village of Jabel Mukaber was too complacent and not living up to its reputation for carrying out terrorist attacks against Israelis. (Jabal Mukaber was the home of two Palestinian terrorists who had murdered and mutilated five Jewish men at prayer in a Har Nof synagogue and an Israeli Druze police officer who responded to the attack in November 2014). In addition, less than two days before carrying out the Bus 78 Attack, Allyan posted a claim on his Facebook page that female Palestinian terrorist Israa Jabees from Jabal Mukaber was not the aggressor when she was injured attempting to carry out an attack on October 11, 2015.

502. HAMAS used Facebook to praise Allyan, Ghanam, the Bus 78 Attack, and the other terrorists and attacks of the day, and to encourage even more terror attacks.

503. For example, HAMAS leader Mushi al-Masri used Facebook on October 13, 2015 to praise the attack by posting the following cartoon graphic of a masked Palestinian holding a knife and gun and a burning bus and Jewish star in the background, accompanied by the Arabic hashtag “#Al-Quds\_Intifada” and message: “Today is the day of God Almighty”:



504. Al-Masri also used Facebook to call for more violence by posting the following cartoon graphic on October 13, 2015 with the Arabic message, “Arise and Resist” and the hashtag “#Al-Quds\_Intifada”:



505. The very next day, on October 14, 2015, HAMAS’s “Palestine Plus” used Facebook to praise the attack and incite more terrorism by posting a video reenactment of the Bus 78 Attack created by HAMAS’s “Islamic Bloc” faction, with the Arabic message: “#Watch: Reenactment video of the bus operation that was carried out yesterday at Jabal Mukaber by the Jerusalem *mujahidin* [holy warriors] (Martyr Baha Allyan and prisoner Bilal Ghanem) prepared by the Information Office of the Islamic Bloc, western Gaza”:



506. On the same day as the Bus 78 Attack, October 13, 2015, terrorists carried out at least three other terror attacks in Israel.

507. At nearly the same time as the Bus 78 Attack, Israeli Arab terrorist Alaa Abu Jamal (“Jamal”) carried out a terror attack in the Jewish religious neighborhood of Geulah in Jerusalem.

508. Jamal, an employee of the Israeli telecom company Bezeq, deliberately drove a Bezeq car into Jews at a bus stop in Geulah at high speed, and then jumped out of the car and brutally hacked the victims multiple times with a meat cleaver.

509. In the attack, Jamal murdered 60-year-old Rabbi Yeshayahu Krishevski and severely injured another Jewish man; in the course of the attack, Jamal was shot by police and died.

510. Also on October 13, 2015, two Palestinian terrorists carried out separate stabbing attacks in the city of Raanana: one Palestinian terrorist stabbed an Israeli waiting at a bus stop on Ahuza Street in the neck, the back of the head, and his hand; another Palestinian terrorist subsequently stabbed four Israelis at a bus stop on Jerusalem Street in Raanana; both terrorists were subdued and arrested.

511. HAMAS used Facebook to praise these terrorists and terror attacks as well, and to call for more.

## **2. The Stabbing and Attempted Murder of Menachem Mendel Rivkin: January 27, 2016**

512. HAMAS continued to use Facebook to promote and incite terrorist attacks against Jews and Israelis through the end of 2015 and in 2016.

513. The Facebook posts described in this Complaint only relate to a few of the many terror attacks carried during the relevant time of this Complaint, and the Facebook posts herein are only a few examples of numerous Facebook posts by HAMAS, its affiliates, and the terrorist attackers.

514. For example, HAMAS used Facebook to portray the terrorist Jamal – who rammed Rabbi Krishevski with a car and hacked him to death with a meat cleaver – as a victim by posting graphic pictures of his dead body.

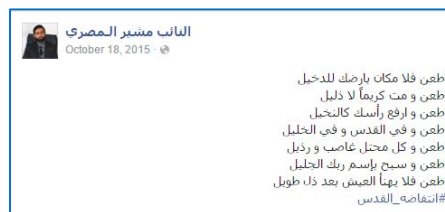
515. HAMAS also used Facebook incite further knife terror attacks against Jews.

516. For example, on October 18, 2015, HAMAS leader Mushi al-Masri used Facebook to “share” the following post from Ayman Otoum with a photograph of an injured Israeli soldier and a terrorist on the ground holding a knife with the Arabic message: “All means are permissible in Jihad as long as they bring victory for religion. Sword; or explosion; or bullet; and for them to challenge the knife”:



517. Also on October 18, 2015, HAMAS leader Mushi al-Masri used Facebook to incite followers to carry out more stabbing attacks, by posting the following message in Arabic:

“Stab – there is no place in your land for an outsider  
 Stab – and be strong and not submissive  
 Stab – and lift your head like a palm tree  
 Stab – in Jerusalem and in Hebron  
 Stab – each occupier and despicable usurper  
 Stab – and glorify the name of your Lord Galilee  
 Stab – do not rest, and live long afterwards  
 #Al-Quds Intifada”



518. On October 22, 2015, two HAMAS operatives carried out a stabbing attack in Beit Shemesh. The two were wearing Al-Qassam Brigades t-shirts when they carried out the attack. Investigators later found that one of the terrorists had changed his Facebook profile pictures several times in the days before the attack, including: a profile picture of the terrorist holding a knife; a profile picture of Al-Aqsa mosque with the caption, “I have been blessed with love”; and a profile picture of Intifada symbols and a notice reading, “I want to be a martyr [shaheed] for the sake of Al-Aqsa.”

519. HAMAS’s PALDF used Facebook to post a death notice honoring female terrorist Dania Jihad Irshid, who died on October 25, 2015 attempting to carry out a stabbing attack near the Cave of the Patriarchs in Hebron.

520. HAMAS’s Islamic Bloc in Hebron University used Facebook to post a HAMAS death notice for “a Martyr of Palestine” terrorist Human Iss’id, who died on October 27, 2015 attempting to carry out a stabbing attack at the entrance to Hebron.

521. HAMAS's Islamic Bloc in Jenin used Facebook to post death notices honoring two terrorists who died carrying out separate stabbing attacks on November 10, 2015.

522. HAMAS's Quds News Network and Shehab News Agency both used Facebook to honor female terrorist Maram Hassouna, who attempted to carry out a stabbing attack with a pickaxe in the village of Anabta on December 1, 2015.

523. HAMAS's Islamic Bloc at Bir Zeit University used Facebook to honor terrorist Anas Hamad, who died carrying out a vehicular attack near Ramallah on December 4, 2015.

524. HAMAS's PALDF used Facebook to posted notices on its Facebook page honoring two terrorists who died carrying out separate stabbing attacks on December 24, 2015.

525. HAMAS's Quds News Network used Facebook to post a message congratulating a terrorist sniper who carried out attacks in Hebron on January 3, 2016, and encouraging more shooting attacks.

526. HAMAS's Islamic Bloc in Nablus used Facebook to honor a terrorist who died carrying out a stabbing attack near Hebron on January 12, 2016.

527. On January 17, 2016, HAMAS's Islamic Bloc at Al-Najah University in Nablus used Facebook to post pictures glorifying terrorist Bilal Abu-Ghanem, one of the terrorist who carried out the Bus 78 Attack that murdered Richard Lakin. The same day, the Islamic Bloc again used Facebook site to honored two of the terrorists who murdered Rabbi Eitam and Na'ama Henkin on October 1, 2015.

528. At approximately 11:00 p.m. on the night of Wednesday, January 27, 2016, HAMAS operative Obada Abu Ras ("Abu Ras") arrived armed with a knife at a gas station in Givat Ze'ev just north of Jerusalem.

529. Abu Ras trailed Plaintiffs Menachem Mendel Rivkin and Bracha Rivkin who were on their way to a nearby restaurant.

530. Abu Ras suddenly approached Plaintiff Menachem Mendel Rivkin and stabbed him in the neck, seriously wounding him.

531. Abu Ras ran and attempted to flee the scene, but witnesses at the stabbing chased him and subdued him until the police arrived and arrested him.

532. Abu Ras is from the village of Bir Nabala near Jerusalem, a known HAMAS stronghold; he is the son of senior HAMAS operative Dr. Aziz Abu Ras, who was among the HAMAS members exiled to Marj al-Zohour, Lebanon in the early 1990's.

533. Plaintiff Menachem Mendel Rivkin was rushed to the hospital in serious condition where he was placed into the intensive care unit.

534. Plaintiff Menachem Mendel Rivkin remained in intensive care for five days, and was hospitalized for a total of eight days.

535. Plaintiff Bracha Rivkin, who witnessed the attack and its aftermath, suffered severe psychological and emotional injuries as a result of the terrorist stabbing of her husband.

536. Plaintiffs S.S.R., M.M.R., R.M.R., and S.Z.R., the minor children of Menachem Mendel and Bracha Rivkin also suffered severe psychological and emotional injuries as a result of the attack in which their parents were assaulted and their father was severely physically injured.

537. Abu Ras had his own Facebook account, which he actively used.

538. For example, on November 16, 2015, Abu Ras posted the following graphic on his Facebook account with the Arabic message: "Allah have mercy on the Martyrs of Qalandiya":



539. On November 26, 2015, Abu Ras posted the following picture on his Facebook account from HAMAS's *al-Qassam* Brigades:



540. Abu Ras also posted other pictures and videos from HAMAS-affiliated Facebook accounts glorifying terrorism and violence, including pictures and videos of riots in and around his home village, pictures of Molotov cocktails prepared for use, pictures of the HAMAS flag and banners, and pictures of Palestinian terrorists deemed “martyrs” by HAMAS media and their gravesites.

541. On December 17, 2015, Abu Ras posted the following picture of a bloody hand next to a knife and the Arabic message: “I yearn for an event in which I will sacrifice my life”:





542. On December 19, 2015, Abu Ras used Facebook to post the following picture of the terrorist Muhannad Halabi (who had carried out a stabbing attack on October 3, 2015 in the Old City of Jerusalem killing two Israeli men and injuring an Israeli woman and her two-year-old son), with the Arabic message: “Heroic Martyr Muhad al-Halabi, may Allah have mercy on you, O Hero”:



543. On January 1, 2016, Abu Ras posted the following message on his Facebook account in Arabic: “When a man of Hamas stands up to speak [V sign] [knife symbol], the world stands up to learn [gun symbol]”:



544. On January 15, 2016, Abu Ras posted the following picture of the terrorist Muhannad Halabi as a child with the Arabic message: “And when the little boy grew up, he exploded [ignited] an intifada”:



545. On January 18, 2016, Abu Ras posted the following Arabic message on his Facebook account: “I don’t need things that come from people. I need things that come from the heaven (like rain, like luck...like death).”

546. On January 19, 2016, Abu Ras posted a picture of himself on his Facebook account masked and sitting in a car, and wrote in Arabic, “Abu Ubeida,” with “emoji” symbols of smiley faces and knives.

547. On January 25, 2016, two days before carrying out the stabbing attack, Abu Ras posted the following picture on his Facebook account of a masked Palestinian holding a knife and “emoji” symbols of a gun, a snowflake and a knife. The Arabic message on the picture states: “Stabbing...in the snow...the second aroma”



548. On the day of the attack, January 27, 2016, just a few hours before he carried out the stabbing attack, Abu Ras used Facebook to pay tribute to HAMAS terrorist Sadiq Gharbiah (who carried out a stabbing terror attack on November 10, 2015) by posting the following picture of Gharbiah's name written in snow, with the Arabic hashtags “#MayAllah\_HaveMercyOnYou” and “#Sadiq\_Gharbiah”:



549. That same day, in the last post Abu Ras posted on his Facebook account before carrying out the stabbing terror attack, Abu Ras posted the following picture and “emoji” symbols of a knife, a gun, two V signs and a heart. The Arabic message on the picture states: “What is coming is more beautiful, I am convinced of that”:



550. After the terror attack, HAMAS used Facebook to praise Abu Ras and the stabbing attack of Plaintiff Menachem Mendel Rivkin, and to encourage more attacks.

551. For example, on January 28, 2016, the day after the attack, HAMAS's PALINFO used Facebook to praise Abu Ras by posting the following pictures of Abu Ras with the Arabic message: "Honoring Abu Ras (18 years) from Bir Nabala, who executed the stabbing operation tonight in the Settlement of Givat Ze'ev, which led to the grave injury of a Settler":



552. Also on January 28, 2016, HAMAS operative Yaseen Izz El-deen used Facebook to praise Abu Ras and to garner popular support for HAMAS's terror activities with the following message in Arabic:

"#Uprising \_ Al-Quds

Once again the sons of #HAMAS rebuff [PA President] Mahmoud Abbas and [PA Intelligence Chief] Majid Faraj in their own way; Obada Abdul Aziz Abu Ras

carried out a stabbing operation in the Settlement of Givat Ze'ev tonight, and inflicted a Settler with very severe injuries.

The Zionists arrested Obada as he was withdrawing, and this is following the same pattern of the latest successful operations, which is to storm into the Settlements and carry out the operation within them.

Finally it was pointed out that Obada is the son of a leader of HAMAS and Doctor at Al-Quds University, and this is another response to other who may say that the leaders of HAMAS sacrifice the sons of others and that their children are living in comfort away from all harm.

I repeat: #Uprising\_Al-Quds is moving forward and Mahmoud Abbas is barking."



### **3. The Murder of Taylor Force: March 8, 2016**

553. HAMAS continued to use Facebook to promote terrorist stabbings and other attacks against Israelis, and terrorists continued to carry out such attacks.

554. On the evening of March 8, 2016, HAMAS operative Bashar Mohamed Massalha ("Massalha"), aided by HAMAS operative Muhammad Awieda, went to the Jaffa boardwalk just south of Tel Aviv carrying a knife.

555. At the boardwalk, Massalha began stabbing pedestrians with the knife.

556. During the attack, Massalha stabbed and seriously injured at least eleven people.

557. The police arrived and chased Massalha from the Jaffa Port along the Tel Aviv beach promenade; ultimately, Massalha was shot by police and died.

558. Among those injured in the attack was 29-year-old Taylor Force ("Taylor").

559. Taylor, an M.B.A. student from Vanderbilt University's Owen Graduate School of Management, was on a two-day school-sponsored trip to Israel as part of a course on global entrepreneurship.

560. At the time of the stabbing attack, he was walking with some of his fellow Vanderbilt classmates along the Jaffa boardwalk, a popular seaside promenade for shopping and leisure along the biblical port. The group was on their way to dinner at a nearby restaurant.

561. After the stabbing, Taylor was rushed to the Wolfson Medical Center; sadly, he could not be saved and he was pronounced dead on arrival.

562. Taylor was a U.S. Army veteran from Lubbock, Texas. He graduated high school at the New Mexico Military Institute and was an Eagle Scout. Taylor received an appointment to West Point Military Academy, where he was a member of the ski team and earned a bachelor's degree in engineering and industrial management, graduating in 2009.

563. After graduating from West Point, Taylor served with the U.S. Army in Iraq and Afghanistan from September 2010 until July 2013, including service during Operation Iraqi Freedom, Operation New Dawn (Iraq), and Operation Enduring Freedom (Afghanistan).

564. The following is a picture of Taylor Force:



565. Taylor's family in America was devastated to learn the tragic news that their son and brother, Taylor Force, had been murdered in a terror attack.

566. They were shocked to hear of the heinous details of their loved one's unexpected terrorist murder in Israel by a HAMAS attacker.

567. They suffered severe psychological and emotional injuries as a result of the attack.

568. The HAMAS terrorist Massalha was from the village of Hajja near Nablus and had a history of affiliation with HAMAS.

569. Massalha had his own Facebook account, which he actively used.

570. On February 6, 2016, a few weeks before carrying out his stabbing attack, Massalha used Facebook to glorify reward in the afterlife by posting the following message in Arabic: "Every father loves his first son and every mother loves her last son. As for those in the middle ... the lord of the universe will compensate them in paradise...if Allah so wishes...the difficult question is, which one are you?" Massalha commented that he preferred being the middle son.

571. On February 10, 2016 Massalha used Facebook to post a video of Palestinians rioting in Qabatiya against Israeli soldiers.

572. Massalha also posted many pictures on Facebook of his pilgrimage to Mecca, from which he had just returned on March 6, 2016, two days before carrying out the attack.

573. On March 8, 2016, the same day as the terror attack, HAMAS's Shehab News Agency used Facebook to praise Massalha, posting pictures of him and calling him "the General of the knives."

574. Also on March 8, 2016, HAMAS's PALINFO used Facebook to praise Massalha by posting pictures and a message from his Facebook account and calling him the "Martyr" who "carried out the stabbing operation in the occupied port city of Jaffa this evening":



575. On March 10, 2016, HAMAS's PALINFO used Facebook to praise Massalha for carrying out the terror attack that killed Taylor, by posting the following picture with the Arabic message: “#HAMAS: Announcing our son the Martyr *Mujahid* [Holy Warrior] Bashar Mohamed Massalha who executed the Heroic stabbing operation in #Jaffa which resulted in the death of a Zionist and wounded ten”:



## **V. FACEBOOK'S CONDUCT**

### **A. Facebook Knowingly Provides Material Support and Resources to HAMAS**

576. HAMAS's reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media for decades.



HAMAS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

577. Moreover, in September 2013, Israeli NGO Shurat HaDin-Israel Law Center wrote a letter to Facebook's Chief Executive Officer and General Counsel warning Facebook that providing any assistance or support to terrorists is unlawful; the letter specifically included HAMAS among a list of FTO's.

578. At all times relevant to this Complaint, Facebook has known that HAMAS is an organization that has engaged in and continues to engage in terrorist activity.

579. At all times relevant to this Complaint, Facebook has known that HAMAS is designated as a Foreign Terrorist Organization.

580. Despite this knowledge, Facebook has knowingly provided its social network platform and communications services for years (at least since 2011) to HAMAS, leaders and officials of HAMAS, organizations that are owned or controlled by HAMAS, and organizations and individuals that provide financing and material support to HAMAS, including individuals and organizations that are designated SDGT's.

581. Moreover, for several years, Facebook has been registered as a Money Services Business ("MSB"), and has therefore already been required to strictly monitor its MSB customers and their transactions to ensure compliance with anti-money-laundering and counter-terrorism regulations, including tracking the U.S. Treasury's lists of specially designated nationals and specially designated terrorists. There is no reason that Facebook could not have used these same lists to ensure that it does not provide Facebook to designated terrorists, including HAMAS and its affiliates.

582. Indeed, Facebook is bound by law to comply with U.S. Government sanctions imposed upon HAMAS whether Facebook is an MSB or not.

583. At times Facebook has claimed that its own “Community Standards” policy is adequate for responding to complaints about abuse of the Facebook platform. For example, on October 28, 2015, The Independent quoted a Facebook spokesman as stating:

“We want people to feel safe when using Facebook. There is no place for content encouraging violence, direct threats, terrorism or hate speech on Facebook. As a community of nearly 1.5 billion people, we have a set of Community Standards to help people understand what is allowed on Facebook, and we urge people to use our reporting tools if they find content that they believe violates our standards so we can investigate and take swift action.”

584. However, application of Facebook’s Community Standards policy is not sufficient to bring Facebook into compliance with U.S. law prohibiting the provision of material support and resources to designated terrorists, or knowing that it is to be used for terrorist activity.

585. This is particularly true because, at all times relevant to this action, Facebook has had a policy that it does not actively review Facebook pages and posts, but only responds to complaints it receives from other Facebook users.

586. Moreover, most of the HAMAS-related Facebook accounts are in Arabic, and most Israelis (the primary targets of HAMAS terrorism) are not Arabic speakers and are not likely to come across HAMAS-related Facebook pages.

587. Indeed, Facebook has used its Community Standards policy as a means of concealing the fact that Facebook provides material support and resources to HAMAS and other terrorists, knowing that such material support and resources are used in preparation for, or in carrying out, terrorist activity.

588. By publicly representing that it requires users to adhere to Facebook’s own set of Community Standards and claiming that it does not “tolerate” use of Facebook by terrorists,

Facebook has sought to give the false impression that it does not knowingly provide material support and resources to HAMAS or other terrorist organizations and individuals, and that it fully complies with Federal law.

589. Facebook has also touted its Community Standards policy in lobbying efforts to Congress as a reason that Facebook should not be subjected to additional requirements to report terrorist use of its Services.

590. As an example of the application of Facebook's policies, the Washington Examiner reported on July 28, 2014 about a Facebook page entitled, "Death to zionst baby killer israeli jews," [sic] which featured "an image of Israeli Prime Minister Benjamin Netanyahu as a vampire with blood dripping down his chin as he feasts on a child." The Washington Examiner reported that, in response to multiple complaints, Facebook issued the following response:



591. The Washington Examiner subsequently updated its report after Facebook reconsidered and deleted the "Death to zionst baby killer israeli jews" Facebook page. On July 29, 2014, the Washington Examiner reported that Facebook clarified its position as follows:

Matt Steinfeld, a spokesman for Facebook, explained that pages calling for death to Israel do not automatically cross over into what is considered hate speech under the social network's media standards.

“Language attacking a country is not considered hate speech in our community standards,” Steinfeld wrote in an email.

He explained that, Facebook’s “community standards detail our policy on hate speech, which is defined as direct attacks on people or groups based on their race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or medical condition. This means that criticism of institutions (countries being a primary example, but it also includes topics of important social and political debate like government authorities, religions, etc.) is permitted.”

He said that [the] page named “Death to Israel and the Zionists” is an example of a page that would fit into this approved category. He said that pages could be reported more than once and, “If the content devolves into direct attacks on people or groups, that would violate the hate speech policy.”

Steinfeld said, despite popular belief, “the number of reports does not have an impact on whether something violates our policies or whether it’s removed.”

592. As another example, in 2016 HAMAS-related Facebook sites posted a HAMAS music video calling for suicide bombing attacks against Jews and Israelis. The music video featured images of flames and singers in HAMAS terrorist garb dancing in front of a mock-Israeli civilian bus that appeared to have been bombed, while the singers chanted, “It’s not an intifada until the roof of the bus flies off.” The music video also portrayed a terrorist preparing to carry out a suicide bus bombing, and the video ended with the suicide bomber entering a bus full of Jews to carry out the attack. In response to multiple complaints, Facebook responded that the HAMAS video calling for and depicting the suicide bombing of a bus full of Jews did not violate Facebook’s “Community Standards.”

593. On February 26, 2015, CNN published an article by U.S. Representative Ted Poe, Chairman of the House Subcommittee on Terrorism, Nonproliferation and Trade, and a member of the House Foreign Affairs Committee, entitled, “Time to silence terrorists on social media.” In that article, Rep. Poe specifically identified HAMAS as a designated FTO, and explained why social media companies should not provide services to terrorists such as HAMAS, as follows:

To put it bluntly, private American companies should not be operating as the propaganda megaphone of foreign terrorist organizations.

So what needs to change?

For a start, social media companies themselves need to do more. It is not good enough to only pay attention when bad press threatens a company's public image after something truly horrific is posted online. Instead, companies not only have a public responsibility but a legal obligation to do more. Section 219 of the Immigration and Nationality Act states that it is unlawful to provide a designated foreign terrorist organization with 'material support or resources,' including 'any property, tangible or intangible, or services.'

That's about as comprehensive as you can get.

594. On October 19, 2015, Israeli Prime Minister, Benjamin Netanyahu, explicitly identified Facebook as the driving force in the current wave of murderous attacks and described the phenomenon as "the integration between extremist Islam with the Internet; Osama Bin Laden meets Mark Zuckerberg."

595. The Prime Minister noted that the incitement on Facebook is not random; it is being directed and sourced from leaders in the Palestinian Authority, HAMAS, and the Islamic Movement in Israel.

596. According to the Mayor of Jerusalem, Nir Barkat, "When they interrogate the terrorists, what we see is young people who are incited to a level I have never seen before, and you see that they seek to harm innocents and listen to no one except Facebook and Twitter."

597. Former Israeli Ambassador to the United States Dore Gold explained that whereas ten years ago, terrorist organization HAMAS would publish a booklet in print with limited impact, today, the same publication can be posted to Facebook and widely disseminated to rapid and devastating effect.

598. In August 2016, the U.K. Parliament's Home Affairs Select Committee released a report following a year-long investigation examining the recruitment efforts of various terrorist organizations, in which it concluded:

"The use of the Internet to promote radicalization and terrorism is one of the greatest threats that countries including the U.K. face.

...

The internet has a huge impact in contributing to individuals turning to extremism, hatred and murder. Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the vehicle of choice in spreading propaganda and they have become the recruiting platforms for terrorism. They must accept that the hundreds of millions in revenues generated from billions of people using their products needs to be accompanied by a greater sense of responsibility and ownership for the impact that extremist material on their sites is having. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such activities.

**B. Facebook's Computer Equipment Uniquely Connects Like-Minded Users**

599. Facebook's online social media platform and communication services are provided to Facebook users via Facebook's own data centers.

600. Facebook's data centers house thousands of computer servers, which are networked together and linked to the outside world through fiber optic cables.

601. Whenever a Facebook user shares information on Facebook, Facebook's computer servers in these data centers receive the information and distribute it to the Facebook user's network of Facebook "friends." Information that is input by a Facebook user into Facebook is also stored on Facebook's computer equipment in these data centers as well as on Facebook's backup storage equipment. Facebook users' Facebook pages are hosted on Facebook's computer equipment in Facebook's data centers.

602. Facebook enables users to create personal pages with information about themselves, including geographic information, interests and photos. Users create networks of “friends” with whom they share personal posts.

603. These posts can be in the form of a photo with a caption, sharing a web link or a news article from another website, endorsing or “liking” a product, promoting a Facebook business or group page, etc.

604. Facebook users can also “like” and share friends’ posts, thereby exposing these posts to new networks.

605. Facebook also enables users to create special “group” pages to promote themselves, their interests and business endeavors.

606. When creating one of these “group” pages, users are asked to choose a category: such as local business, organization, product, public figure, entertainment or cause.

607. Facebook users can share these pages with friends, who can then share the pages with their friends, exposing the content to a wide network of people well beyond the original user’s own personal contacts.

608. According to Facebook’s “Data Usage Policy,” Facebook collects detailed information about its users, including, inter alia, the content they post, type of content they view or engage with, people they communicate with, groups they belong to and how they interact with such groups, visits to third party websites, apps and Facebook partners.

609. Facebook uses this information in a variety of ways with the ultimate goal of “creating engaging and customized experiences for people.” See Facebook Data Usage Policy, available at <https://www.facebook.com/about/privacy/>.

610. Facebook's computers execute algorithms which utilize the collected data to suggest friends, groups, products, services and local events, and target ads that will be "as relevant and interesting" as possible to each individual user. This enables Facebook to customize its services to the specific likes and interests of each of its users.

611. Effectively, Facebook serves as a broker or match-maker between like-minded people, introducing users to one another and to groups and events that they will be interested in based on the information in their user profiles and online activities.

612. Facebook's algorithms suggest friends based on such factors as friends of friends, group membership, geographic location, event attendance, language, etc. Thus, Facebook actively provides "friend suggestions" between users who have expressed similar interests (for example, by joining groups or "liking" posts with the themes HAMAS, the "Knife Intifada" or stabbing Jews).

613. Similarly, Facebook actively suggests groups and events to users who have "liked" or shared pages on particular subjects, joined similar groups, and/or attended similar events.

614. Facebook also actively encourages users to attend events related to their interests in their geographical area, by providing notifications of such events being attended by the users' "friends", group members or taking place in the users' vicinity.

615. These types of suggestions may appear in a user's newsfeed or on the side margins of the user's Facebook page. Each time a user logs in, Facebook also provides "notifications" about friend, group and event suggestions.

616. Facebook's algorithms also move posts that are likely to be of interest and garner "likes", shares, and comments, to the top of a user's newsfeed. So, for example, Facebook user



who has been vocal in supporting HAMAS or “Al Aqsa Intifada” will be alerted to such posts upon logging into Facebook.

617. In addition, when a Facebook user clicks on a video clip on Facebook, a box appears on the page recommending other similar videos.

618. Facebook’s targeted advertising algorithms enable all kinds of advertisers, whether for commercial products, business services or causes to reach the most interested audiences.

619. Advertisers are able to target their ads by “keywords” and interests.

620. In addition, through “remarketing” and conversion pixels, Facebook enables outside advertisers to target ads to users who have visited the advertisers’ web pages in the past.

621. Thus, for example, if a Facebook user has visited the webpage of an advertiser that supports HAMAS, the advertiser’s ads can be directed to the user’s Facebook feed.

622. By providing Facebook’s online social network platform and communication services to HAMAS, Facebook is providing to HAMAS use of Facebook’s data centers, computer servers, storage and communication equipment, as well as a highly-developed and sophisticated algorithm that facilitates HAMAS’s ability to reach and engage an audience it could not otherwise reach as effectively.

**D. Facebook Has the Ability to Identify HAMAS Accounts and Cease Providing Material Support and Resources to Designated Terrorists**

623. The same algorithms that allow Facebook to connect users of similar interests could be used by Facebook to flag, review, and remove HAMAS Facebook accounts.

624. Facebook also has other tools, and can develop additional tools as well by which it can identify, flag, review, and remove HAMAS Facebook accounts.

625. Indeed, Facebook has stated that it regularly monitors its website for pornographic materials and materials that infringe on the rights of copyright holders, which are removed immediately.

626. Moreover, it has been reported that Facebook uses “digital fingerprint” technology to ensure that pornographic and copyright infringing materials once removed are not reposted onto Facebook.

627. However, at all times relevant to this lawsuit, Facebook has refused to actively monitor its online social media network to block HAMAS’s use of Facebook.

628. Instead, Facebook has knowingly permitted HAMAS to use its online social media platform, and has generally only reviewed HAMAS’s use of Facebook in response to third party complaints.

**E. Facebook’s Relevant Actions Outside of U.S. Territory**

629. Facebook has established an office in Ireland, which is responsible for much of Facebook’s operations and users in Europe, the Middle East, and Africa.

630. Facebook’s Ireland office has primary responsibility for reviewing and responding to user complaints about violations of Facebook’s “Community Standards” in Europe, the Middle East, and Africa, including determining whether and what action to take in response to complaints concerning HAMAS’s use of Facebook in the Middle East.<sup>23</sup>

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<sup>23</sup> See Chris Green, “What happens when you ‘report abuse’?”, THE INDEPENDENT (Feb. 13, 2015), <http://www.independent.co.uk/life-style/gadgets-and-tech/features/what-happens-when-you-report-abuse-the-secretive-facebook-censors-who-decide-what-is-and-what-isnt-10045437.html>; Pamela Newenham, “Facebook’s Irish operations: what the social network does here,” IRISH TIMES (Mar. 4, 2016), <http://www.irishtimes.com/business/technology/facebook-s-irish-operations-what-the-social-network-does-here-1.2560009>; “Facebook to Establish International Headquarters in Dublin, Ireland,” FACEBOOK (Oct. 2, 2008), <https://newsroom.fb.com/news/2008/10/facebookto-establish-international-headquarters-in-dublin-ireland/>.

631. Facebook specifically employs Arabic-speaking personnel at its Ireland office to review and respond to customer complaints about Facebook accounts and posts in Arabic, and these employees are expected to have sufficient familiarity with Arabic language and society in the Middle East to be able to interpret and understand whether such accounts or posts promote violence or terrorism.

632. In addition, Facebook's office in Israel has received a number of complaints and requests from the Government of Israel to cease providing Facebook to HAMAS, its members, or its affiliates, and Facebook has at times refused to comply with these requests.

633. Facebook's actions pertaining to its provision of material support and resources to HAMAS occurred in its offices in Ireland and Israel, including the review of user complaints and decisions to provide or continue providing material resources to HAMAS and its leaders and affiliates once identified.

634. Even when Facebook has received complaints about HAMAS's use of the platform, Facebook has at various times determined that the HAMAS Facebook page did not violate Facebook's policies and permitted the page to remain, or deleted only a portion of the content on the HAMAS Facebook page and permitted the site to remain active.

635. For example, on Wednesday, January 21, 2015, a Palestinian terrorist carried out a stabbing attack on a city bus in Tel Aviv, wounding 12 Israelis. The same day, official HAMAS spokesman Izzat al-Risheq used both Facebook and Twitter to praise the terrorist and the attack, stating in Arabic: "The stabbing attack by the freedom fighter against the Zionists in Tel Aviv is a Heroic and Brave operation...It is a natural reaction to the crimes of the Occupation against our people." The following is a screen-capture of the Twitter post:



636. Within days, Facebook removed the January 21, 2015 post from al-Risheq's Facebook account and posted the following message, but did not suspend, block or close al-Risheq's Facebook account:



637. Nevertheless, Facebook did not remove similar messages praising the January 21, 2015 terror attack posted by other official HAMAS spokesmen on Facebook, nor did Facebook remove the following verbatim quote of al-Risheq's message posted on HAMAS's official "Media Office" Facebook account:



638. On some occasions Facebook has suspended selected HAMAS-related Facebook accounts (for example, in response to public or government pressure) but later reactivated them,

or shut down or blocked a HAMAS Facebook account while consciously refraining from making any effective or prolonged effort to ensure that the pages are not re-established using another account identifier.

639. For example, on July 17, 2014, the Christian Science Monitor reported that Facebook had removed the Facebook page of HAMAS spokesman Izzat al-Risheq, and quoted Facebook representative Israel Hernandez, who stated: “We don’t allow terrorist groups to be on Facebook . . . There are no pages of Hamas on Facebook”; yet as shown above, in January 2015 Facebook deliberately removed a single post from al-Risheq’s active Facebook page while leaving the account active, and Facebook took no action against HAMAS’s official “Media Office” Facebook page that posted al-Risheq’s January 21, 2015 message on the same day.

640. In effect, Facebook has tacitly agreed, licensed, and permitted HAMAS and its affiliates to register and use Facebook by failing to shut down known HAMAS and HAMAS-related accounts, reactivating known HAMAS and HAMAS-related accounts that it has suspended, or consciously refraining from blocking efforts to reestablish HAMAS and HAMAS-related accounts that have been shut down.

641. In addition, Facebook will occasionally block pages from appearing in Israel, while allowing them to appear in other geographic locations.

**D. Facebook Benefits From Providing Material Support to HAMAS**

642. In fact, Facebook actually benefits from HAMAS’s use of its Services, particularly due to the tremendous volume of HAMAS-related Facebook accounts and the volume of Facebook use HAMAS generates.

643. The primary measurements used by Facebook to demonstrate its usefulness and generate revenue from advertisers and partners include the number of daily active users of Facebook (“DAUs”) and the number of monthly active users of Facebook (“FAUs”).

644. Thus, in its Annual Report filed for its fiscal year ended December 31, 2013 filed with the U.S. Securities and Exchange Commission, the first risk factor listed in Facebook’s statement regarding the risks related to its business stated in bold print: **“If we fail to retain existing users or add new users, or if our users decrease their level of engagement with Facebook, our revenue, financial results, and business may be significantly harmed.”**

645. Facebook’s statement concerning this risk included the following:

“The size of our user base and our users’ level of engagement are critical to our success. Our financial performance has been and will continue to be significantly determined by our success in adding, retaining, and engaging active users.

...

If we are unable to maintain or increase our user base and user engagement, our revenue and financial results may be adversely affected. Any decrease in user retention, growth, or engagement could render Facebook less attractive to users, developers, and marketers, which may have a material and adverse impact on our revenue, business, financial condition, and results of operations.”

## **CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

#### **LIABILITY FOR AIDING AND ABETTING ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

646. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

647. Since October 8, 1997, HAMAS has been, and continues to be, a designated foreign terrorist organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

648. HAMAS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including, *inter alia*, solicitation to commit a crime violence as set forth in 18 U.S.C. § 373, the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332, the prohibition of providing material support or resources (including services, expert assistance, and personnel) to be used for terrorist activity as set out in 18 U.S.C. § 2339A, and the prohibition of providing material support or resources (including services, expert assistance, and personnel) to a designated foreign terrorist organization as set out in 18 U.S.C. § 2339B.

649. These activities committed, planned, or authorized by HAMAS appear to have been, and were intended to: (a) intimidate or coerce the civilian population of Israel; (b) influence the policy of the Government of Israel by intimidation or coercion; or (c) affect the conduct of the Government of Israel by mass destruction, assassination, or kidnapping.

650. These activities committed, planned, or authorized by HAMAS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

651. Plaintiffs have been injured in their person by reason of the acts of international terrorism committed, planned, or authorized by HAMAS.

652. At all times relevant to this action, Facebook knew that HAMAS was a designated Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

653. Facebook knowingly provided substantial assistance and encouragement to HAMAS, and thus aided and abetted HAMAS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured plaintiffs.

654. By aiding and abetting HAMAS in committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Facebook is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

**SECOND CLAIM FOR RELIEF**

**LIABILITY FOR CONSPIRING IN FURTHERANCE OF  
ACTS OF INTERNATIONAL TERRORISM  
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

655. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

656. Facebook knowingly agreed, licensed, and permitted HAMAS and its affiliates to register and use Facebook to promote and carry out HAMAS's activities, including HAMAS's illegal acts of international terrorism that injured plaintiffs.

657. Facebook was aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

658. Facebook thus conspired with HAMAS in its illegal provision of Facebook's Platform and Services to promote and carry out HAMAS's illegal acts of international terrorism, including the acts that injured plaintiffs.



659. Facebook also conspired with HAMAS to make personnel available to HAMAS to participate in the planning, preparation, and implementation of HAMAS's terrorist activities, including the acts that injured plaintiffs.

660. By conspiring with HAMAS in furtherance HAMAS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Facebook is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

### **THIRD CLAIM FOR RELIEF**

#### **PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333**

661. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

662. The online social media platform and communication services which Facebook knowingly provided to HAMAS and its related entities and affiliates, including use of Facebook's Services, Platform, computers and communications equipment, substantially assisted HAMAS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things. These services and equipment constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that caused the deaths and injuries of the decedents and plaintiffs in this case.

663. In addition, by making HAMAS leaders, operatives, and recruits available to participate in the planning, preparation, and implementation of HAMAS's terrorist activities,

Facebook provided personnel to HAMAS that constituted material support and resources pursuant to 18 U.S.C. § 2339A, which facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that caused the deaths and injuries of the decedents and plaintiffs in this case.

664. Facebook provided and concealed these services, equipment, expert assistance, and personnel to HAMAS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the plaintiffs.

665. As set forth more fully above, but for the material support and resources provided and concealed by Facebook, the attacks that injured the plaintiffs would have been substantially more difficult to implement.

666. By participating in the commission of violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be injured in his or her person, business or property, Facebook is liable pursuant to 18 U.S.C. § 2333 for any and all damages that plaintiffs have sustained as a result of such injuries.

#### **FOURTH CLAIM FOR RELIEF**

##### **PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

667. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

668. By knowingly (or with willful blindness) providing its social media platform and communications services, including use of computer and communications equipment, for the benefit of HAMAS, and by providing services, expert assistance, and personnel to HAMAS, Facebook has provided material support and resources to a designated Foreign Terrorist

Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

669. Facebook knew of (or was willfully blind to) HAMAS's terrorist activities.

670. Facebook knew (or was willfully blind to the fact) that HAMAS had been designated a Foreign Terrorist Organization by the United States Government.

671. Facebook's violation of 18 U.S.C. § 2339B proximately caused the damages to plaintiffs described herein.

672. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Facebook is therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

#### **FIFTH CLAIM FOR RELIEF**

##### **CONCEALMENT OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339C(c) AND 18 U.S.C. § 2333(a)**

673. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

674. By knowingly concealing or disguising the nature, location, source, ownership, or control of material support or resources, knowing that the material support or resources were provided to HAMAS in violation of 18 U.S.C. § 2339B, Facebook violated 18 U.S.C. § 2339C(c).

675. By concealing such material support and resources, Facebook enabled and prolonged HAMAS's use of such material support and resources to carry out terrorist activities, including the acts of international terrorism that killed or injured the Plaintiffs.

676. Facebook's violation of 18 U.S.C. § 2339C(c) proximately caused the damages to plaintiffs described herein.

677. By knowingly concealing material support or resources as described herein, Facebook is therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

## **SIXTH CLAIM FOR RELIEF**

### **NEGLIGENCE**

#### **(Under the Law of the State of Israel)**

678. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

679. Pursuant to Fed. R. Civ. P. 44.1 plaintiffs hereby give notice of their intention to rely on the law of the State of Israel.

680. Causes of action in tort in Israeli law are codified in the Civil Wrongs Ordinance (New Version) - 1968, (hereinafter "CWO").

681. The CWO provides that any person injured or harmed by the civil wrongs (i.e. torts) enumerated in the CWO is entitled to relief from the person liable or responsible for the wrong.

682. CWO § 35 creates a tort of Negligence.

683. Under binding precedent of the Israeli Supreme Court, the tort of Negligence also includes intentional and/or reckless conduct.

684. CWO § 35 provides that a person is liable for the tort of Negligence when he commits an act which a reasonable and prudent person would not have committed under the same circumstances; or refrains from committing an act which a reasonable and prudent person would have committed under the same circumstances; or, in the performance of his occupation, does not use the skill or exercise the degree of caution which a reasonable person qualified to act in that

occupation would have used or exercised under the same circumstances, and thereby causes damage to another person toward whom, under those circumstances he is obligated not to act as he did.

685. CWO § 36 provides that the obligation stated in the last sentence of § 35 is toward all persons, to the extent that a reasonable person would have under the same circumstances foreseen that, in the ordinary course of events, they were liable to be injured by the act or omission.

686. By providing material support to HAMAS, Facebook performed acts which a reasonable and prudent person would not have committed under the same circumstances, within the meaning of the CWO.

687. Facebook did not, in the performance of its occupation, use the skill or exercise the degree of caution which a reasonable person qualified to act in that occupation would have used or exercised under the same circumstances, within the meaning of the CWO, in that, inter alia, Facebook provided material support to HAMAS.

688. Facebook acted negligently in connection with the decedents and the plaintiffs, toward whom, in the circumstances described herein, Facebook had an obligation not to act as it did. Facebook was obligated not to act as it did because a reasonable person would, under the same circumstances, have foreseen that, in the ordinary course of events, persons such as the decedents and the plaintiffs were liable to be harmed by the acts of Facebook described herein.

689. The behavior of Facebook constitutes Negligence under the CWO, and that negligent behavior was the proximate cause of the harm to decedents (Yaakov Naftali Fraenkel, Chaya Zissel Braun, Richard Lakin, and Taylor Force), to the physically injured plaintiff (Menachem Mendel Rivkin) and to their respective family members – the other plaintiffs herein – which includes: death; severe injuries, pain and suffering; loss of pecuniary support; loss of

income; loss of consortium; emotional distress; loss of society and companionship and loss of solatium.

690. Facebook is therefore liable for the full amount of the compensatory damages due to the estate of the decedents and to each of the plaintiffs herein.

691. Under Israeli case law a plaintiff harmed by an act of Negligence caused by intentional conduct is entitled to punitive damages.

692. The conduct of Facebook was intentional and malicious, and so warrants an award of punitive damages under Israeli law.

#### **SEVENTH CLAIM FOR RELIEF**

#### **BREACH OF STATUTORY DUTY** **(Under the Law of the State of Israel)**

693. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

694. CWO § 63 creates a civil wrong of Breach of Statutory Duty defined as the failure to comply with an obligation imposed under any legal enactment, if the legal enactment is intended for the benefit or protection of another person, and if the breach of the enactment caused that person damage of the kind or nature of damage intended to be prevented by the enactment.

695. Under Israel's *Interpretation Ordinance (New Version)*, an "enactment" within the meaning of the CWO is defined as "every law and every regulation," while the terms "law" and "regulation" are defined in turn as acts of the Knesset (Israel's parliament) and of "any authority in Eretz Israel [Hebrew: Land of Israel] or in Israel," respectively.

696. CWO § 63(b) provides that for purposes of CWO § 63, an enactment is deemed to have been enacted for the benefit or protection of a specific person, if it is intended for the benefit

or protection of that person, or for the benefit or protection of persons in general, or of persons of a category or definition to which that specific person belongs.

697. Facebook breached and failed to comply with obligations imposed upon it by numerous enactments, which were intended for the benefit or protection of persons in general, and for the benefit and protection of persons of the type, category, and definition to which the plaintiffs and the decedents belong, within the meaning of the CWO.

698. The statutory obligations breached by Facebook include, without limitation, the provisions of the following enactments:

- a. Sections 1 and 4 of Israel's *Prevention of Terrorism Ordinance*, 5708-1948 (which criminally prohibit praise, support, calls for support of terrorism);
- b. Sections 134, 136, 144, 145, and 148 of Israel's *Penal Law*, 5737 – 1977 (which criminally prohibit all forms of incitement to violence and terror as well as material support for terrorism).
- c. Sections 84-85 of Israel's *Defense Regulations (Emergency Period)*, 1945 (which prohibit, among other things, the provision of any service for any unlawful organization, including groups engaged in terrorist activity).

699. Facebook's conduct described herein breached the enactments listed above, whether or not Facebook's conduct took place in Israel, because Israel has extraterritorial criminal jurisdiction over crimes against the security of the State of Israel and over crimes against the lives and persons of Israeli citizens as such, pursuant to § 13 of Israel's *Penal Law*, 5737 -1977.

700. All of the enactments listed above are intended for the benefit and protection of persons in general, for the specific benefit and protection of innocent civilians such as the

plaintiffs, in that all of the statutory enactments listed above are intended to protect all such persons from terrorist attacks and from all the damages which terrorist attacks are liable to inflict.

701. Facebook's breach of its statutory obligations was the proximate cause of the harm to the plaintiffs and the deaths of the decedents described herein, and caused plaintiffs damage of the kind and nature intended to be prevented by the statutory enactments which were breached by Facebook, including: death; severe physical injuries, pain and suffering; loss of pecuniary support; loss of income; loss of consortium; emotional distress; loss of society and companionship and loss of solatium.

702. Facebook committed the civil wrong of Breach of Statutory Duty under CWO § 63, and is therefore liable for the full amount of the plaintiffs' damages.

703. Under Israeli case law, a plaintiff harmed by a Breach of Statutory Duty caused by intentional or reckless conduct is entitled to punitive damages.

704. Facebook's conduct was intentional or reckless, warranting an award of punitive damages.

### **EIGHTH CLAIM FOR RELIEF**

#### **VICARIOUS LIABILITY** **(Under the Law of the State of Israel)**

705. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

706. Facebook knowingly and intentionally provided material support and resources to HAMAS which enabled, facilitated, supported and assisted HAMAS to carry out the terrorist attacks that killed the decedents and injured the plaintiffs.

707. Aiding and Abetting principles are recognized in §§ 12 and 15 of the CWO.



708. Section 12 of the CWO provides that a person who participates in, assists, advises or solicits an act or omission, committed or about to be committed by another person, or who orders, authorizes, or ratifies such an act or omission, is liable for such act or omission.

709. By providing services to HAMAS, Facebook knowingly and intentionally assisted HAMAS in carrying out the terrorist attacks that killed the decedents and injured the plaintiffs in this case.

710. Section 15 of the CWO provides that a person may be liable for the acts or omissions of a party with whom he contracts if he, inter alia, was negligent in selecting the contractor, authorized or ratified the acts of the contractor, or if the contract was entered into for an unlawful purpose.

711. At the very least, Facebook was negligent in entering into service contracts with HAMAS and its affiliates, who use such services to promote and carry out the activities of HAMAS, knowing the terrorist nature of HAMAS. By allowing HAMAS terrorists to use its services for such unlawful purposes, Facebook ratified the conduct of HAMAS.

712. Facebook's conduct was intentional and malicious, and so warrants an award of punitive damages under Israeli law.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiffs pray that this Court:

- (a) Enter judgment against Facebook and in favor of each plaintiff for compensatory damages in amounts to be determined at trial, but for no less than \$1 billion;
- (b) Enter judgment against Facebook and in favor of each plaintiff for punitive damages in amounts to be determined at trial;

(c) Enter judgment against Facebook and in favor of each plaintiff for treble damages pursuant to 18 U.S.C. § 2333(a);

(e) Enter judgment against Facebook and in favor of each plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333(a);

(e) Grant such other and further relief as justice requires.

Dated: Brooklyn, NY  
June 15, 2017

Yours,

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